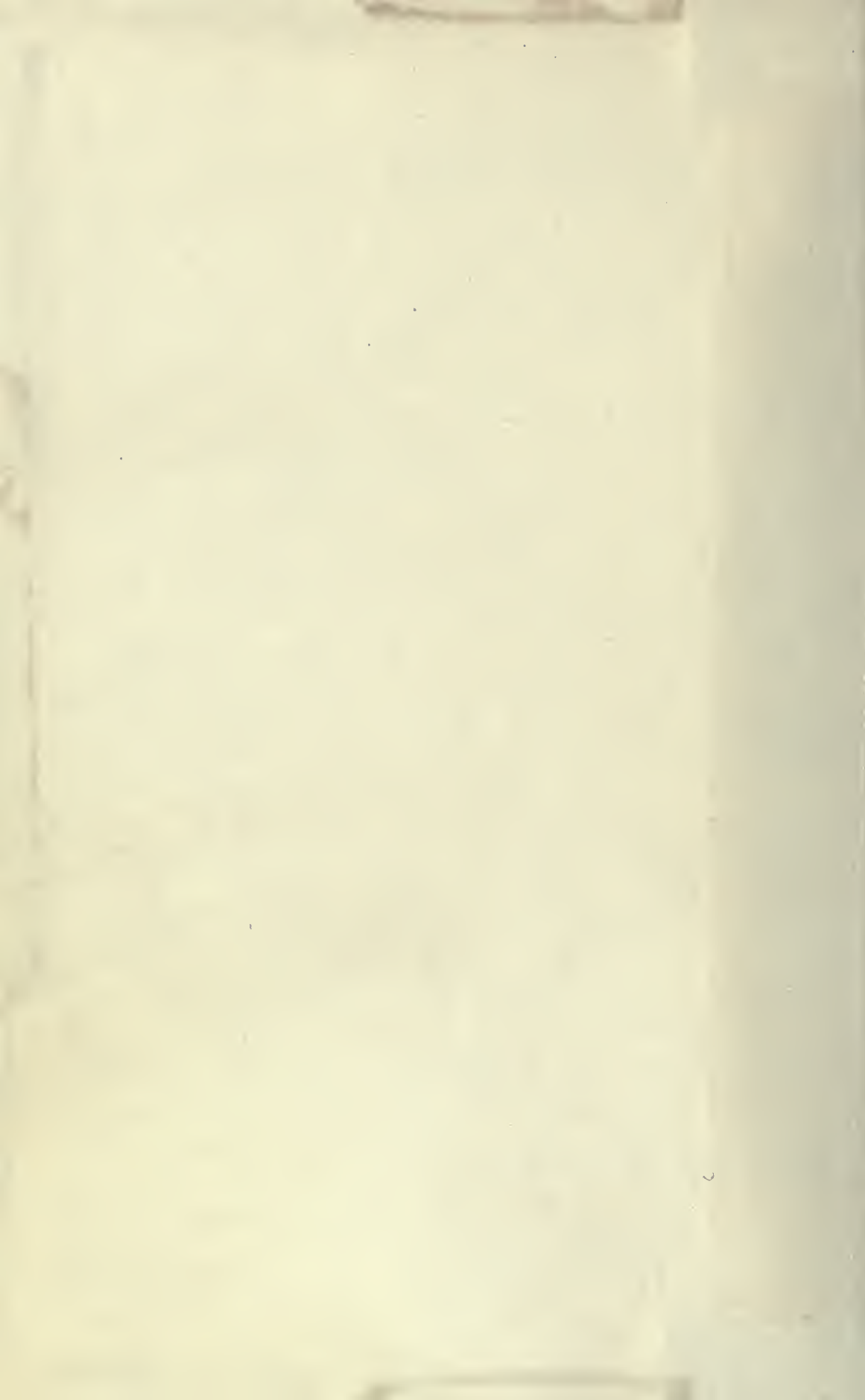


Ontario
Gov't P.





120676

LEGISLATIVE ASSEMBLY OF ONTARIO

FIFTH SESSION OF THE
TWENTY-FOURTH PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 8th to MARCH 31st, 1955 120676

LEGISLATIVE ASSEMBLY

OF ONTARIO

IN PARLIAMENT ASSEMBLED

TUESDAY, 20TH JANUARY 1909

BILLS

AS INTRODUCED BY THE GOVERNMENT

AND READING

OF THE LEGISLATIVE ASSEMBLY

OF ONTARIO

PRINTED BY THE GOVERNMENT OF ONTARIO

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FIFTH SESSION, TWENTY-FOURTH PARLIAMENT

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No. 1

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

MR. LETHERBY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 1

1955

BILL

An Act respecting the Presbyterian Church in the Township of Eldon

WHEREAS the Trustees of the Presbyterian Church in ^{Preamble} Canada at the Township of Eldon and Christopher John Beckley, the incumbent, and the Presbytery of Lindsay of the Presbyterian Church in Scotland by their petition have represented that under and by virtue of Letters Patent under the Great Seal of the Province of Canada, bearing date the eighth day of July, in the year of our Lord one thousand eight hundred and thirty-six, and mesne conveyances in pursuance of the terms of the Letters Patent the lands and premises referred to in section 1 were vested in the Trustees for the time being of the Presbyterian Church in Scotland at the Township of Eldon in trust to hold the same forever to and for the benefit of the Presbyterian Minister for the time being incumbent of the Presbyterian Church of Scotland erected in the Township of Eldon; and that the Presbyterian Church of Scotland is now the Presbyterian Church in Canada; and that the incumbent of the Presbyterian Church in Canada at the Township of Eldon is also the incumbent of Knox Presbyterian Church at the Village of Woodville and resides in the manse at the Village of Woodville; and that it is onerous and impractical to maintain and keep in repair the manse of the Presbyterian Church at the Township of Eldon; and that the congregation of the Presbyterian Church at the Township of Eldon have consented to the sale of the lands and premises; and whereas the petitioners have prayed for special legislation to authorize the sale of the said lands and premises; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees for the time being of the Presbyterian Church in Canada at the Township of Eldon shall have full power and authority to sell, dispose of and convey by public auction or private sale for such price in cash or payable in ^{Power to sell certain lands}

instalments or secured by mortgages or otherwise as the Trustees for the time being may deem reasonable all and every or any part of the lands and premises described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Eldon, in the County of Victoria and Province of Ontario and being composed of part of Lot Number Six, Concession Four, Township of Eldon, and more particularly described as follows:

COMMENCING at a point on the easterly boundary of Lot Six, distant northerly 172 feet from the south east angle thereof; thence northerly along the easterly boundary 158 feet to a point; thence westerly and parallel to the southerly boundary 2065 feet to a point; thence southerly and parallel to the easterly boundary 330 feet to the southerly boundary thereof; thence easterly along the southerly boundary 1806 feet to a point; thence northerly and parallel to the easterly boundary 172 feet to a point; thence easterly and parallel to the southerly boundary 259 feet to the place of beginning.

Vesting of
title free
of trust

2. A deed executed by such Trustees for the time being shall vest in the purchaser a full, clear and absolute title to the lands and premises conveyed by the deed, free from all trusts whatsoever contained in the Letters Patent.

Application
of purchase
money

3. The purchaser of such lands and premises or any part thereof shall not be bound to see to the application of the purchase money arising from a sale of such lands and premises or any part thereof.

Use of
proceeds
of sale

4. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, such Trustees for the time being may apply the net proceeds thereof as they may think proper for the repair and maintenance of the Presbyterian Church in Canada at the Township of Eldon and the residue of such proceeds shall be invested in investments in which trustees are authorized to invest trust funds under *The Trustee Act*.

Rev. Stat.,
c. 400

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Eldon Presbyterian Church Act, 1955*.

BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

1st Reading

2nd Reading

3rd Reading

MR. LETHERBY

(Private Bill)

No. 1

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

MR. LETHERBY

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY




No. 1

1955

BILL

An Act respecting the Presbyterian Church in the Township of Eldon

 WHEREAS the Trustees of the South Eldon Congre- Preamble
gation of the Presbyterian Church in Canada at the
Township of Eldon and Christopher John Beckley, the
incumbent, and the Presbytery of Lindsay of the Presbyterian
Church in Canada by their petition have represented that
under and by virtue of Letters Patent under the Great Seal
of the Province of Canada, bearing date the eighth day of
July, in the year of our Lord one thousand eight hundred and
thirty-six, and mesne conveyances in pursuance of the terms
of the Letters Patent the lands and premises referred to in
section 1 were vested in the Trustees for the time being of the
Presbyterian Church in Scotland at the Township of Eldon
in trust to hold the same forever to and for the benefit of the
Presbyterian Minister for the time being incumbent of the
Presbyterian Church of Scotland erected in the Township of
Eldon; and that the Presbyterian Church of Scotland is now
the Presbyterian Church in Canada; and that the incumbent
of the South Eldon Congregation of the Presbyterian Church
in Canada at the Township of Eldon is also the incumbent of
Knox Presbyterian Church at the Village of Woodville and
resides in the manse at the Village of Woodville; and that it is
onerous and impractical to maintain and keep in repair the
manse of the South Eldon Congregation of the Presbyterian
Church at the Township of Eldon; and that the South Eldon
Congregation of the Presbyterian Church at the Township of
Eldon have consented to the sale of the lands and premises;
and whereas the petitioners have prayed for special legis-
lation to authorize the sale of the said lands and premises;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Trustees for the time being of the South Eldon Power to
sell
certain
lands
Congregation of the Presbyterian Church in Canada at the
Township of Eldon shall have full power and authority to sell,

dispose of and convey by public auction or private sale for such price in cash or payable in instalments or secured by mortgages or otherwise as the Trustees for the time being may deem reasonable all and every or any part of the lands and premises described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Eldon, in the County of Victoria and Province of Ontario and being composed of part of Lot Number Six, Concession Four, Township of Eldon, and more particularly described as follows:

COMMENCING at a point on the easterly boundary of Lot Six, distant northerly 172 feet from the south east angle thereof; thence northerly along the easterly boundary 158 feet to a point; thence westerly and parallel to the southerly boundary 2065 feet to a point; thence southerly and parallel to the easterly boundary 330 feet to the southerly boundary thereof; thence easterly along the southerly boundary 1806 feet to a point; thence northerly and parallel to the easterly boundary 172 feet to a point; thence easterly and parallel to the southerly boundary 259 feet to the place of beginning.

Vesting of
title free
of trust

2. A deed executed by such Trustees for the time being shall vest in the purchaser a full, clear and absolute title to the lands and premises conveyed by the deed, free from all trusts whatsoever contained in the Letters Patent.

Application
of purchase
money

3. The purchaser of such lands and premises or any part thereof shall not be bound to see to the application of the purchase money arising from a sale of such lands and premises or any part thereof.

Use of
proceeds
of sale

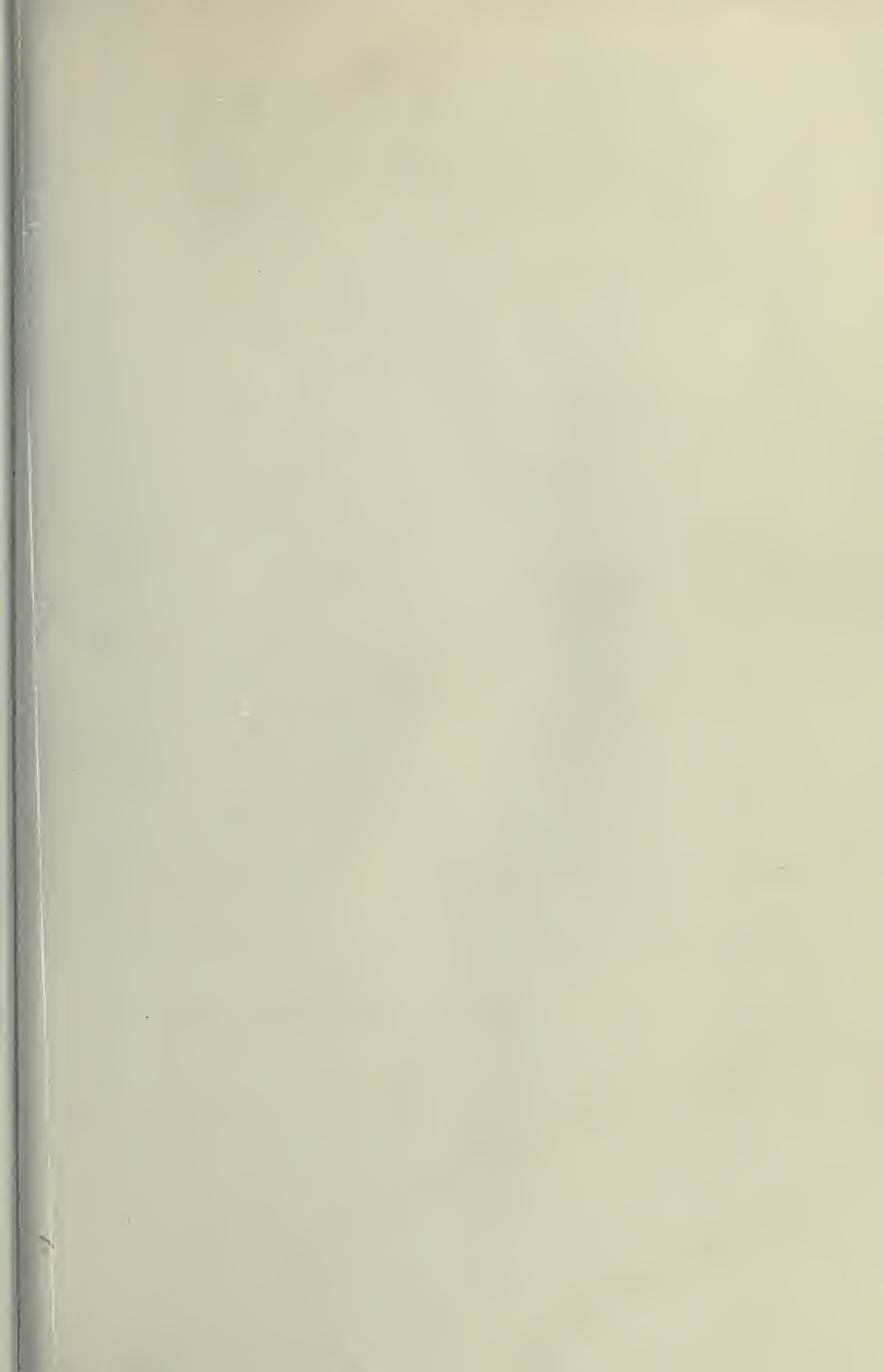
4. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, such Trustees for the time being shall hold the net proceeds thereof in trust for the South Eldon Congregation of the Presbyterian Church in Canada.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Eldon Presbyterian Church Act, 1955*.



BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

1st Reading

February 18th, 1955

2nd Reading

3rd Reading

MR. LETHERBY

(*Reprinted as amended by the Committee
on Private Bills*)

No. 1

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

MR. LETHERBY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 1

1955

BILL

An Act respecting the Presbyterian Church in the Township of Eldon

WHEREAS the Trustees of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon and Christopher John Beckley, the incumbent, and the Presbytery of Lindsay of the Presbyterian Church in Canada by their petition have represented that under and by virtue of Letters Patent under the Great Seal of the Province of Canada, bearing date the eighth day of July, in the year of our Lord one thousand eight hundred and thirty-six, and mesne conveyances in pursuance of the terms of the Letters Patent the lands and premises referred to in section 1 were vested in the Trustees for the time being of the Presbyterian Church in Scotland at the Township of Eldon in trust to hold the same forever to and for the benefit of the Presbyterian Minister for the time being incumbent of the Presbyterian Church of Scotland erected in the Township of Eldon; and that the Presbyterian Church of Scotland is now the Presbyterian Church in Canada; and that the incumbent of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon is also the incumbent of Knox Presbyterian Church at the Village of Woodville and resides in the manse at the Village of Woodville; and that it is onerous and impractical to maintain and keep in repair the manse of the South Eldon Congregation of the Presbyterian Church at the Township of Eldon; and that the South Eldon Congregation of the Presbyterian Church at the Township of Eldon have consented to the sale of the lands and premises; and whereas the petitioners have prayed for special legislation to authorize the sale of the said lands and premises; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees for the time being of the South Eldon Congregation of the Presbyterian Church in Canada at the Township of Eldon shall have full power and authority to sell,

Power to
sell
certain
lands

dispose of and convey by public auction or private sale for such price in cash or payable in instalments or secured by mortgages or otherwise as the Trustees for the time being may deem reasonable all and every or any part of the lands and premises described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Eldon, in the County of Victoria and Province of Ontario and being composed of part of Lot Number Six, Concession Four, Township of Eldon, and more particularly described as follows:

COMMENCING at a point on the easterly boundary of Lot Six, distant northerly 172 feet from the south east angle thereof; thence northerly along the easterly boundary 158 feet to a point; thence westerly and parallel to the southerly boundary 2065 feet to a point; thence southerly and parallel to the easterly boundary 330 feet to the southerly boundary thereof; thence easterly along the southerly boundary 1806 feet to a point; thence northerly and parallel to the easterly boundary 172 feet to a point; thence easterly and parallel to the southerly boundary 259 feet to the place of beginning.

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2. A deed executed by such Trustees for the time being shall vest in the purchaser a full, clear and absolute title to the lands and premises conveyed by the deed, free from all trusts whatsoever contained in the Letters Patent.

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3. The purchaser of such lands and premises or any part thereof shall not be bound to see to the application of the purchase money arising from a sale of such lands and premises or any part thereof.

Use of
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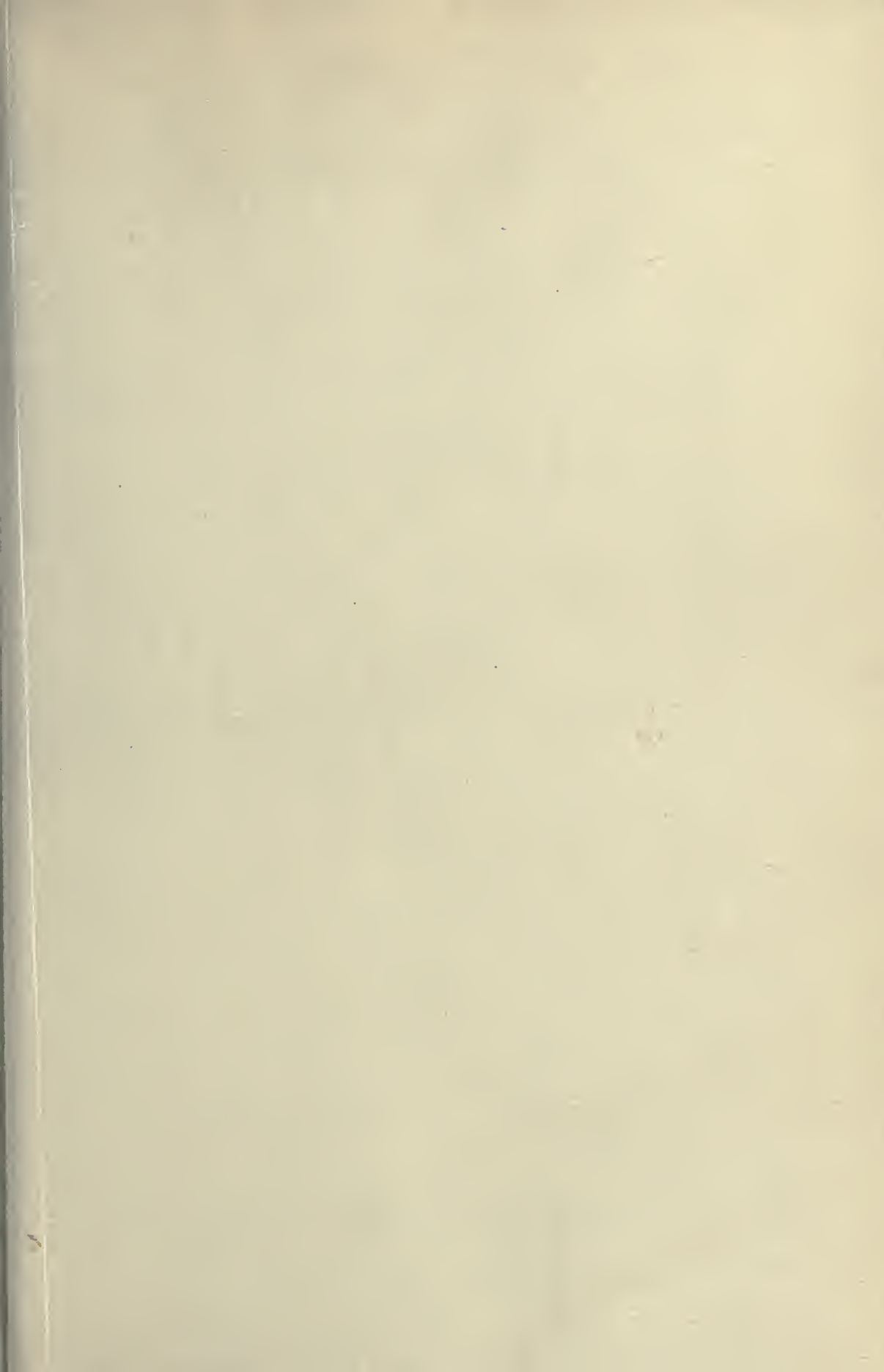
4. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, such Trustees for the time being shall hold the net proceeds thereof in trust for the South Eldon Congregation of the Presbyterian Church in Canada.

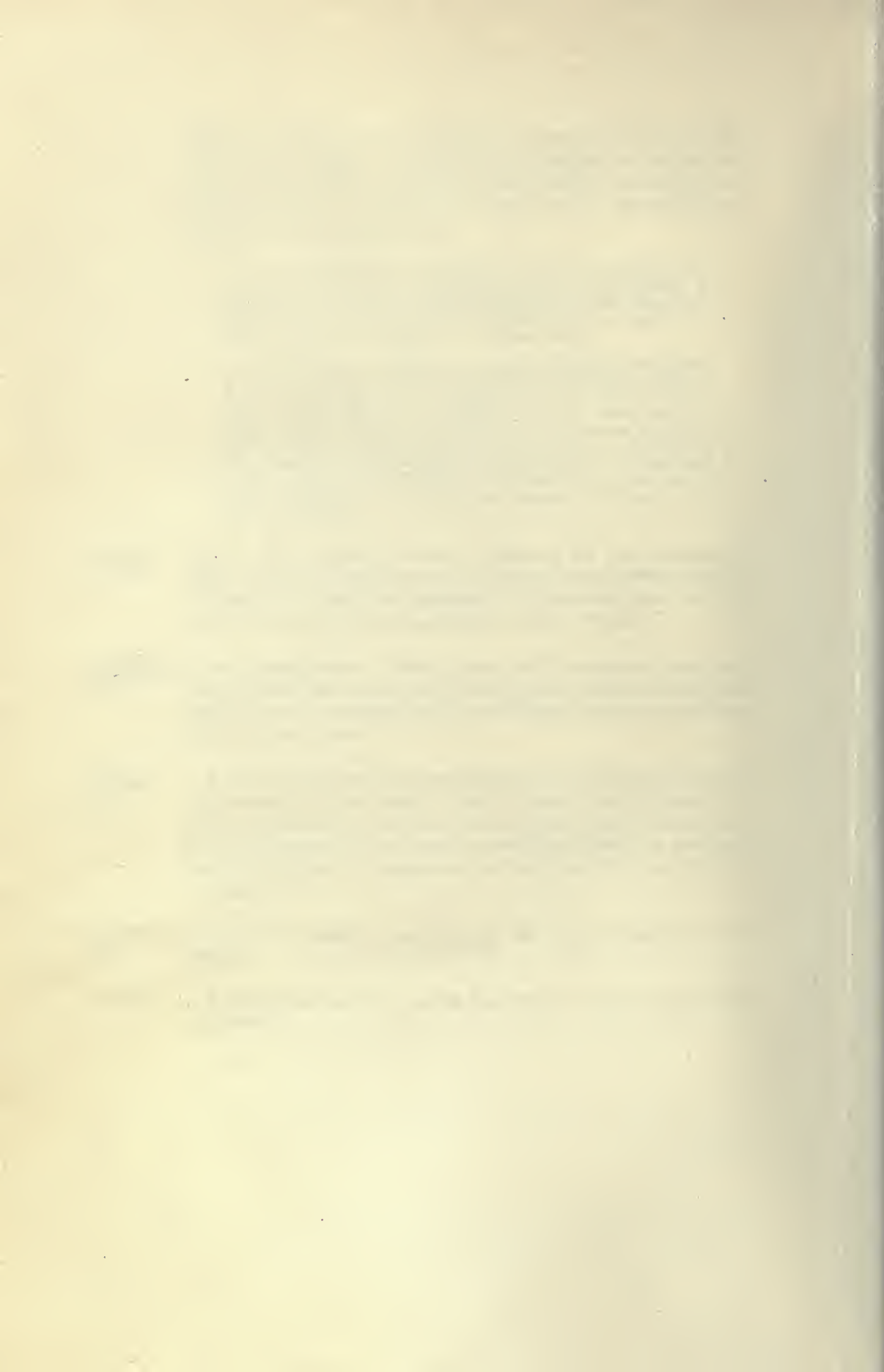
Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Eldon Presbyterian Church Act, 1955*.





BILL

An Act respecting the Presbyterian Church
in the Township of Eldon

1st Reading

February 18th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. LETHERBY

No. 2

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The University of Western Ontario

MR. PATRICK

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 2

1955

BILL

An Act respecting The University of Western Ontario

WHEREAS The University of Western Ontario by its ^{Preamble} petition has prayed for special legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means The Board of Governors, The University of Western Ontario;
- (b) "college" includes a school or other institution of higher learning offering courses leading year for year to a degree;
- (c) "property" includes all property, both real and personal;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Senate" means Senate of The University of Western Ontario;
- (f) "University" means The University of Western Ontario.

2. The University named "The University of Western Ontario", commonly known and referred to as "Western", ^{University continued}

its Board of Governors, Senate, Convocation, faculties and schools are and each of them is hereby continued, and, subject to this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy.

Appoint-
ments,
statutes and
regulations
continued

3. All appointments in and statutes and regulations affecting the University and each of them shall continue, subject to this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board.

Religious
tests not
required

4. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student of the University, nor shall any religious observances according to the forms of any particular denomination or sect be imposed on them.

Proceedings
by or against
University

5. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

AFFILIATED COLLEGES

Affiliated
colleges

6.—(1) Every college affiliated with the University shall continue to be so affiliated, subject to any statute in that behalf and to this Act.

Idem

(2) The following are declared to be the colleges affiliated with the University:

- (a) Alma College;
- (b) Huron College;
- (c) Music Teachers' College;
- (d) St. Peter's Seminary College of Arts;
- (e) Ursuline College;
- (f) Waterloo College.

GRANTS

Grants by
City of
London

7. The City of London may grant annually or from time to time to the Board for the use of the University such a sum or sums as may be agreed upon by the City and the University, and it shall not be necessary to obtain the assent

of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Seventy-five Thousand Dollars (\$75,000) in any one year shall first receive the assent of the said electors.

8. The county council of any of the counties of Essex, Kent, Elgin, Norfolk, Lambton, Middlesex, Oxford, Brant, Huron, Bruce, Grey, Perth, Wellington and Waterloo, or the council of any municipality in such counties other than the City of London, may make grants to the Board for the use of the University, and it shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Twenty Thousand Dollars (\$20,000) in any one year shall first receive the assent of the said electors. Grants by counties

PROPERTY

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. Property in trust vested in Board

10. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public uses of the Province of Ontario. Application of statute of limitations to property

11. The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. Land vested in Board not liable to expropriation

12. The property vested in the Board and any lands and premises leased to or occupied by the Board or the University or any faculty, school or department thereof shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation, but unless otherwise by law exempt, the interest of every lessee under a lease from the Board and every occupant other than the Board of real property vested in the Board shall be liable to taxation. Exemption of property from taxation

THE BOARD OF GOVERNORS

Board body
corporate

13. The Board of Governors of the University is hereby constituted a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Composition
of Board

14. The Board shall consist of the President and the Vice-President of the University, the Mayor of the City of London, the Warden of the County of Middlesex and the Chancellor, who shall be *ex officio* members, and fourteen members appointed or elected as follows:

- (a) The council of the City of London shall appoint four members, during such time as the City shall make to the Board the annual grant or grants as provided in section 7.
- (b) The Lieutenant-Governor in Council shall appoint four members.
- (c) The Alumni Association of the University may appoint or elect two members, in such manner and on such terms as the Board may determine.
- (d) The members appointed or elected, as the case may be, under clauses *a*, *b* and *c* shall elect four members.

Term of
office

15. Unless his election or appointment shall be otherwise designated, each member shall hold office for four years, shall be eligible for re-appointment or re-election, as the case may be, and shall hold office until such time as his successor is elected or appointed.

Eligibility

16. No person shall be eligible for appointment or election to the Board who is not a British subject and whose customary place of residence is not within the Province of Ontario.

Head of
affiliated
college, etc.,
ineligible

17. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any affiliated college or any member of the teaching or administrative staff of the University or of any affiliated college or any member of the staff, Board or governing body of any other degree-granting institution shall be eligible for appointment or election as a member of the Board.

Membership
vacated

18.—(1) If a member of the Board during his term of office accepts or occupies any of the offices or positions mentioned in section 17 or ceases to have his customary place of residence within Ontario or becomes mentally incapacitated or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

(2) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 50 per cent of the regular meetings of the Board, the Board may by resolution declare his membership vacant. ^{Absence from meetings}

(3) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 25 per cent of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant. ^{Idem}

(4) A resolution passed under this section entered in the minutes of the Board shall be conclusive evidence of the vacancy declared therein. ^{Proof}

19. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

20.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. ^{Chairman and vice-chairman}

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman. ^{Absence}

21. Six members, not including *ex officio* members, shall constitute a quorum of the Board. ^{Quorum}

22. Notwithstanding any vacancy, so long as there are at least ten members, not including *ex officio* members, the Board may exercise all or any of its powers. ^{Ten members may exercise powers}

23. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs thereof shall be vested in the Board. ^{Management of University by Board}

24. The Board shall have power to make regulations, ^{Regulations}

(a) pertaining to the meetings of the Board and its transactions;

- (b) providing for the appointment of committees and for the conferring upon any such committees of authority to act for the Board with respect to any matter, but no decision of a committee which includes in its membership persons who are not members of the Board shall be valid or effective until approved and ratified by the Board, unless the Board so provides.

**Powers of
Board**

25. Without limiting the general powers of the Board, the Board shall have the power to,

- (a) appoint the President and Vice-Chancellor of the University, the Vice-President of the University, the Principal of University College, the deans of all faculties, the heads of all academic units within the University, the Comptroller of the University, the Bursar of the University, the Librarian of the University, the Registrar of the University, the professors and all other members of the teaching staff of the University, and all such officers, clerks and other employees as the Board may think necessary for the purposes of the University, and fix their salaries or remuneration and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board and determine their functions, duties, powers and responsibilities;
- (b) provide for the retirement and superannuation of the persons mentioned in clause *a*;
- (c) provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other

instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

- (f) establish such faculties, schools, departments, chairs and courses of instruction in any subject except theology in the University or elsewhere as the Board may determine, but the curricula of all courses of instruction shall be the responsibility of the Senate;
- (g) enter into agreements for the founding, establishment or maintenance of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (h) provide for the affiliation with the University of any college in Ontario established for teaching divinity, arts, science, law, medicine, music, engineering, agriculture, or any other useful branch of learning, on such terms as the Board may determine, and enter into any agreement which may be deemed necessary to effectuate such affiliation, provided, however, that such college shall be one offering courses leading year for year to a degree, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board;
- (i) provide for the dissolution of any such affiliation or of any existing affiliations or for the modification or alteration of the terms thereof;
- (j) provide for the management, government and control of the residences and dining halls operated and maintained by the University;
- (k) fix the fees to be paid for instruction in all faculties, schools, departments and courses now in existence or hereafter established and under the control of the University, for all ancillary activities and the fees for examinations, degrees, diplomas and certificates;
- (l) provide such means for health service and health examination, instruction and training in physical education for the students of the University as the Board may see fit;

- (m) sell any of the real property vested in the Board, or lease the same for any period of years with such right of renewal and under and subject to such rents, covenants, agreements and conditions as the Board may see fit;
- (n) dedicate real property vested in the Board for public highways or other public purposes, on such terms and conditions as the Board may see fit;
- (o) expend such sums as the Board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and for the furnishing and equipment of such existing and newly erected buildings;
- (p) expend such sums as the Board may deem necessary for the purchase, erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University, whether such students are undergraduates or graduates;
- (q) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (r) purchase, assume and hold by gift or devise real property for the purpose of the University without licence in mortmain;
- (s) purchase and acquire all such property as the Board may deem necessary for the purposes of the University, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease;
- (t) without the consent of the owner or of any person interested therein, enter upon, take, use, and expropriate all such real property as the Board may deem necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions

required to be done by the clerk of a municipality or at the office of such clerk the like act shall be done by or at the office of the comptroller, or by or at the office of such officer of the University exercising the office of a comptroller, as the case may be;

- (u) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University for athletic purposes and erect and maintain such buildings and structures thereon as it may deem necessary;
- (v) borrow from time to time from any bank or elsewhere on such terms as may be agreed on such sums of money as may be required for the purposes of the University;
- (w) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise and develop, dispose of, assign or grant licences in respect of or otherwise turn to account property rights or information so acquired and generally to possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent or invention or any rights thereunder may possess, exercise and enjoy;
- (x) apply for, purchase or otherwise acquire any trademarks or trade names or any similar right or any interest therein and use, dispose of, assign or otherwise turn to account the trademarks, trade names and interest so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trademark or trade name or the like may possess, exercise and enjoy;
- (y) apply for, purchase or otherwise acquire any copyright or similar right or any interest therein, or right thereunder, and use, exercise, develop, dispose of, assign or grant licences in respect of, or otherwise turn to account any copyright or similar right or any interest or right so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or

similar right, or any interest therein or right thereunder, may possess, exercise and enjoy.

Alterations
to consti-
tution

26. The Board may modify, alter and change the constitution of any body or committee constituted or continued by this Act except the Senate, and may create such new bodies or committees as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act and may confer upon the bodies or committees constituted or continued by this Act, or any of them, and on any new body or committee hereafter constituted such powers as the Board may see fit, but nothing herein shall authorize any abridgement or change in the powers conferred on the Senate by this Act.

Authentica-
tion of
by-laws,
etc.

27. Except as otherwise provided in this Act, the action of the Board in any matter with which it may deal shall be by resolution or by by-law as the Board may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

Audit of
accounts

28.—(1) The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

Annual
report

(2) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may require.

Actions
against
Board

29. Without the written consent of the Attorney-General, no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office.

Question as
to powers
and duties
settled by
Board

30. If any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-President, Comptroller, Registrar, Librarian, Principal of University College or of any other dean or head of any academic unit, or of any officer or employee of the University, it shall be settled and determined by the Board, whose decision shall be final.

Residual
powers of
Board

31. All the powers over, in respect of, or in relation to the University, its properties, employees, personnel and students which are not by the terms of this Act directed to be exercised by any other person or body of persons are hereby subject to the provisions of this Act vested in the Board.

SENATE

32.—(1) There shall be a Senate of the University com-^{Senate, how}
posed as follows:

(a) The following shall be *ex-officio* members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Vice-President of the University,
- (iv) the Principal of University College,
- (v) the Principal or other head of each affiliated college,
- (vi) the dean of each faculty or school of the University,
- (vii) the Librarian,
- (viii) the President of the General Alumni Association, provided that his ordinary place of residence is within the County of Middlesex, and if not, then a member of the General Alumni Association whose ordinary place of residence is within the County of Middlesex appointed in writing by such President,
- (ix) the Chairman of the Board,
- (x) the Registrar, who shall be secretary of the Senate,
- (xi) the Director of the Summer School and Extension Department,
- (xii) the Director of the French Summer School.

(b) The faculties and schools of the University shall have the following representation and the representatives shall be appointed by their respective faculty councils, unless otherwise provided by the Senate, but one member shall be the principal, dean or other head of such faculty or school:

- (i) the Faculty of University College—four members,

- (ii) the Faculty of Medicine—three members,
 - (iii) the Faculty of Graduate Studies—two members,
 - (iv) the School of Nursing—two members,
 - (v) the School of Business Administration—two members,
 - (vi) any other faculty or school which may hereafter be established within the University and which offers courses leading to a degree—a minimum of two members but not exceeding three members, as determined by the Senate.
- (c) The affiliated colleges shall have the following representation and the representatives shall be appointed by their respective governing bodies but one member shall be the principal or other head of the affiliated college:
- (i) Alma College—one member,
 - (ii) Huron College—two members,
 - (iii) Music Teachers' College—one member,
 - (iv) St. Peter's Seminary College of Arts—two members,
 - (v) Ursuline College—two members,
 - (vi) Waterloo College—two members,
 - (vii) any other college or school which may hereafter become affiliated—one member, provided, however, that if such affiliated college or school prescribes and administers courses approved by the Senate leading to the Bachelor of Arts degree, then such college or school may be represented by a maximum of two members as determined by the Senate.
- (d) The Board shall be represented by the Chairman of the Board as an *ex officio* member and one further member appointed by the Board.
- (e) The City of London may be represented by six members of whom three shall be appointed by the council of the city, two shall be appointed by the

Board of Education of the City, and one shall be appointed by the Separate School Board of the City.

- (f) One member may be appointed by the council of each of the counties named in section 8, and by the council of each city in such counties, other than the council of the City of London.
- (g) The principals of the continuation schools, high schools, collegiate institutes and vocational high schools or institutes in the counties named in section 8 may elect four members from their own number.
- (h) Each of the following groups of graduates may appoint or elect, in such manner and on such terms as the Senate shall determine, the following members:
 - (i) the General Alumni Association of the University may appoint or elect ten members (not including the President of the General Alumni Association) in such manner and on such terms as the Senate may determine,
 - (ii) the graduates in Arts and Science who at the time of graduation were enrolled in Huron College, Music Teachers' College, St. Peter's Seminary College of Arts, Ursuline College, Waterloo College or any other college which may hereafter be affiliated and approved by the Senate to conduct courses leading to a degree in Arts and Science may elect one member each from the graduates of each of such affiliated colleges.

(2) The Vice-Chancellor of the University shall be chairman of the Senate and the Vice-President of the University shall be vice-chairman of the Senate. Chairman
and vice-
chairman

33. The members of the Senate shall hold office for a term of three years and shall be eligible for re-appointment or re-election as the case may be. Term of
office

34. Members of the teaching or administrative staff of the University shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
University

35. Members of the teaching or administrative staff of an affiliated college shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
affiliated
college

Eligibility
of member of
governing
body of
another
university

36. No person shall be eligible for election or appointment as a member of the Senate who is a member of a governing body or senate or faculty of any other degree-granting university, college or other institution of higher learning.

Vacancies
in Senate

37. If an elected or appointed member of the Senate resigns, becomes mentally ill or incapable of acting or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 32, not being the body which he has been appointed to represent, or accepts membership in any of the bodies mentioned in section 32, not being the body which he has been appointed to represent, he shall *ipso facto* vacate his office, and a declaration of the existence of any vacancy entered on the minutes of the Senate shall be conclusive evidence thereof.

Filling
vacancies

38. Where a vacancy on the Senate occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Disputes as
to election

39. The Senate shall have the sole right to determine any question concerning the election of any elected member of the Senate or the right of any person to be or sit or act as a member of the Senate, and the decision of the Senate in any such matter shall be final.

Powers and
duties of
Senate

40.—(1) The Senate,

- (a) shall be responsible for the educational policy of the University;
- (b) may make recommendations to the Board relative to the creation of faculties, schools, departments or chairs within the University;
- (c) may recommend to the Board the establishment of courses of instruction, including extension courses, in the University and elsewhere;
- (d) may confer degrees, diplomas and certificates in any subject taught in the University or in theology as taught in any of the affiliated colleges;
- (e) may confer honorary degrees in any department of learning;

(f) may create faculty councils or committees and committees generally to exercise any of its powers;

(g) may enact statutes regulating the matters in this section referred to.

(2) The Senate shall confer honorary degrees in divinity ^{Honorary divinity degrees} without fees upon the recommendation of any theological college affiliated with the University.

41. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to, ^{Additional powers and duties of Senate}

(a) provide for the regulation and conduct of its proceedings including the determination of a quorum necessary for the transaction of business;

(b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in section 40;

(c) recommend to the Board,

(i) the affiliation of any college established in Ontario for teaching divinity, arts, science, law, medicine, music, engineering, agriculture or any other useful branch of learning; provided, however, that in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board; and further provided that no college shall be affiliated which is not offering courses leading year for year to a degree, and

(ii) the dissolution or suspension of any such affiliation, or the modification or alteration of the terms thereof;

(d) consider and determine on the recommendations of the respective faculty and school councils the courses of study in all faculties and schools;

(e) consider and determine on the recommendations of the respective faculty and school councils the conduct and results of the examinations in all faculties and schools;

- (f) hear and determine appeals from the decisions of the faculty and school councils on applications and examinations by students;
- (g) provide for the representation on the Senate of any faculty or school hereafter established in the University and of the graduates in such faculty or school, if in the opinion of the Senate provision should be made for separate representation of such graduates;
- (h) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate, whose constitution and powers shall be as the Senate may from time to time determine.

CHANCELLOR

Chancellor,
election of

42.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) all members, except *ex officio* members, of the Board; and
- (b) representatives of the Senate equal in number to the members of the Board entitled to be members of the electoral board, such representatives to include as *ex officio* members the Vice-Chancellor, Vice-President and Registrar and the remainder to be chosen by the Senate from among its members in such manner as it may determine,

and eight members of the electoral board including the Vice-Chancellor, Vice-President and Registrar shall constitute a quorum.

Who eligible

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is within the Province of Ontario.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the teaching staff or of the administrative staff, or who is an employee of the University or of any affiliated college, or who is a member of the Board of the University or of the governing body of any affiliated college.

Term of
office

43.—(1) The term of office of the Chancellor shall be for six years commencing with the 1st day of July of the year in which the appointment is made, and no Chancellor shall be eligible for re-election.

(2) If a vacancy in the office of Chancellor occurs from any cause, the vacancy shall be filled by the appointment of a successor in the manner set out in section 42, and the successor shall hold office for six years terminating on the 30th day of June in the sixth year after his appointment, and no such successor shall be eligible for re-election. ^{Vacancy in office}

(3) If the Chancellor ceases to be eligible for such office or becomes mentally ill, or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Senate and the Board entered in the minutes of the Board and of the Senate shall be conclusive evidence thereof. ^{Where Chancellor becomes ineligible}

44. The Chancellor shall preside at all convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate. ^{Duties}

VICE-CHANCELLOR

45.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. ^{Vice-Chancellor}

(2) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty of the University appointed by him shall act as Chancellor at Convocation. ^{Vice-Chancellor to act in absence of Chancellor}

(3) In the absence of both Chancellor and Vice-Chancellor, or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty of the University appointed by the Senate for the purpose. ^{Absence of Chancellor and Vice-Chancellor}

OFFICIAL VISITOR

46. His Honour the Lieutenant-Governor of the Province of Ontario shall be the Official Visitor of the University. ^{Official visitor}

GENERAL

47. Sections 1 and 3 of *An Act to incorporate The Western University of London, Ontario*, being chapter 70 of the Statutes of Ontario, 1878, sections 1, 2, 3, 4, 5 and 6 of *An Act respecting the Western University and College*, being chapter 140 of the Statutes of Ontario, 1906, and *The University of Western Ontario Act, 1923* are repealed. ^{1878, c. 70, ss. 1, 3; 1906, c. 140, ss. 1-6; 1923, c. 105, repealed}

48. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

49. This Act may be cited as *The University of Western Ontario Act, 1955*. ^{Short title}

BILL

An Act respecting The University of
Western Ontario

1st Reading

2nd Reading

3rd Reading

MR. PATRICK

(*Private Bill*)

No. 2

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

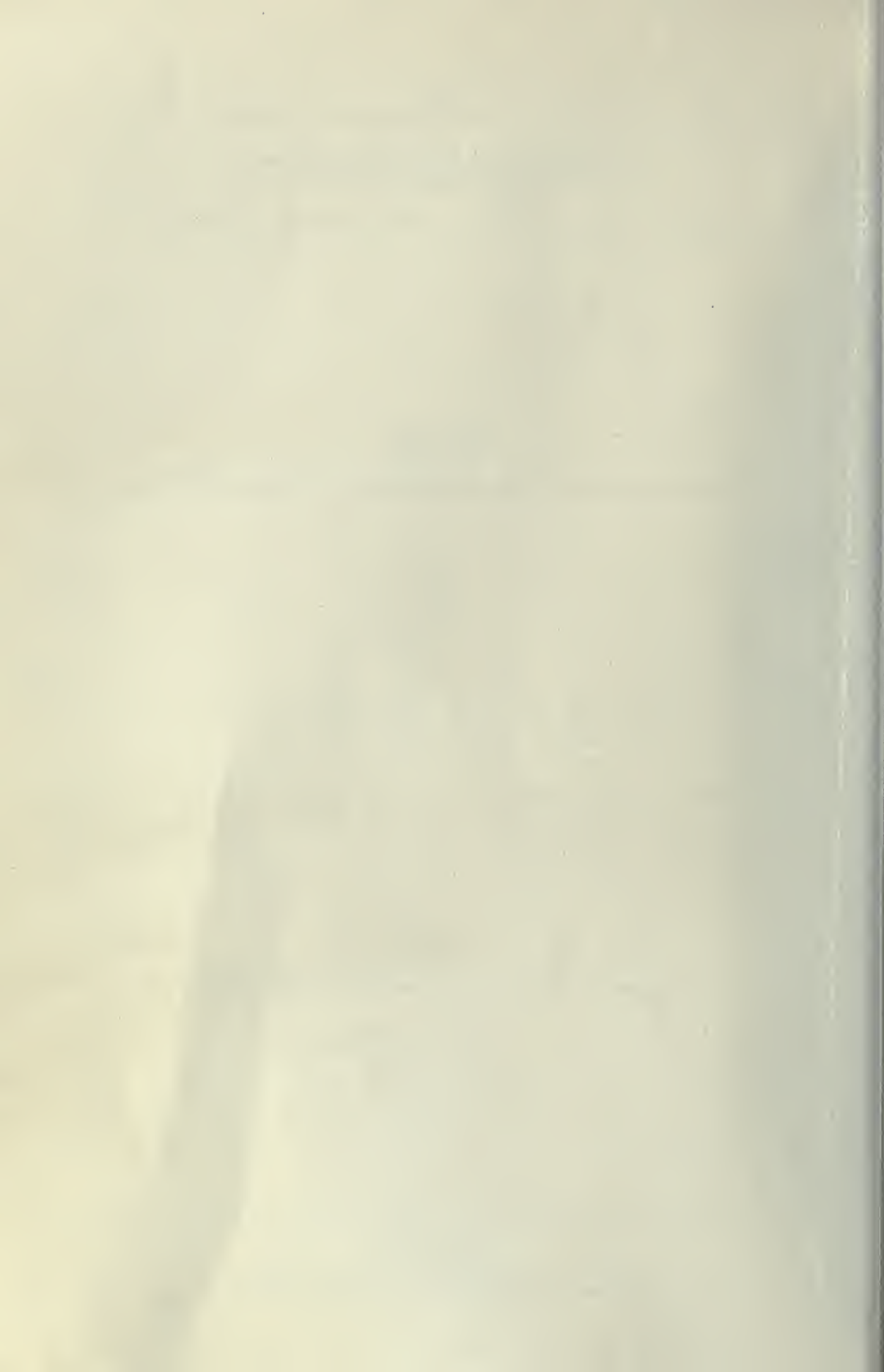
BILL

An Act respecting The University of Western Ontario

MR. PATRICK

(Reprinted as amended by the Committee on Private Bills)

TORONTO
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No. 2

1955

BILL

An Act respecting The University of Western Ontario

WHEREAS The University of Western Ontario by its ^{Preamble} petition has prayed for special legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means The Board of Governors, The University of Western Ontario;
- (b) "college" includes a school or other institution of higher learning offering courses leading year for year to a degree;
- (c) "property" includes all property, both real and personal;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Senate" means Senate of The University of Western Ontario;
- (f) "University" means The University of Western Ontario.

2. The University named "The University of Western Ontario", commonly known and referred to as "Western", ^{University continued}

its Board of Governors, Senate, Convocation, faculties and schools are and each of them is hereby continued, and, subject to this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy.

Appoint-
ments,
statutes and
regulations
continued

3. All appointments in and statutes and regulations affecting the University and each of them shall continue, subject to this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board.

Religious
tests not
required

4. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student of the University, nor shall any religious observances according to the forms of any particular denomination or sect be imposed on them.

Proceedings
by or against
University

5. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

AFFILIATED COLLEGES

Affiliated
colleges

6.—(1) Every college affiliated with the University shall continue to be so affiliated, subject to any statute in that behalf and to this Act.

Idem

(2) The following are declared to be the colleges affiliated with the University:

- (a) Alma College;
- (b) Huron College;
- (c) Music Teachers' College;
- (d) St. Peter's Seminary College of Arts;
- (e) Ursuline College;
- (f) Waterloo College.

GRANTS

Grants by
City of
London

7. The City of London may grant annually or from time to time to the Board for the use of the University such a sum or sums as may be agreed upon by the City and the University, and it shall not be necessary to obtain the assent

of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Seventy-five Thousand Dollars (\$75,000) in any one year shall first receive the assent of the said electors.

8. The county council of any of the counties of Essex, Kent, Elgin, Norfolk, Lambton, Middlesex, Oxford, Brant, Huron, Bruce, Grey, Perth, Wellington and Waterloo, or the council of any municipality in such counties other than the City of London, may make grants to the Board for the use of the University, and it shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Twenty Thousand Dollars (\$20,000) in any one year shall first receive the assent of the said electors.

PROPERTY

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board.

10. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public uses of the Province of Ontario.

11. The real property vested in the Board shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

THE BOARD OF GOVERNORS

12. The Board of Governors of the University is hereby constituted a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Composition
of Board

13. The Board shall consist of the President and the Vice-President of the University, the Mayor of the City of London, the Warden of the County of Middlesex and the Chancellor, who shall be *ex officio* members, and fourteen members appointed or elected as follows:

- (a) The council of the City of London shall appoint four members, during such time as the City shall make to the Board the annual grant or grants as provided in section 7.
- (b) The Lieutenant-Governor in Council shall appoint four members.
- (c) The Alumni Association of the University may appoint or elect two members, in such manner and on such terms as the Board may determine.
- (d) The members appointed or elected, as the case may be, under clauses *a*, *b* and *c* shall elect four members.

Term of
office

14. Unless his election or appointment shall be otherwise designated, each member shall hold office for four years, shall be eligible for re-appointment or re-election, as the case may be, and shall hold office until such time as his successor is elected or appointed.

Eligibility

15. No person shall be eligible for appointment or election to the Board who is not a British subject and whose customary place of residence is not within the Province of Ontario.

Head of
affiliated
college, etc.,
ineligible

16. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any affiliated college or any member of the teaching or administrative staff of the University or of any affiliated college or any member of the staff, Board or governing body of any other degree-granting institution shall be eligible for appointment or election as a member of the Board.

Membership
vacated

17.—(1) If a member of the Board during his term of office accepts or occupies any of the offices or positions mentioned in section 17 or ceases to have his customary place of residence within Ontario or becomes mentally incapacitated or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

(2) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 50 per cent of the regular meetings of the Board, the Board may by resolution declare his membership vacant. ^{Absence from meetings}

(3) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 25 per cent of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant. ^{Idem}

(4) A resolution passed under this section entered in the minutes of the Board shall be conclusive evidence of the vacancy declared therein. ^{Proof}

18. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

19.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. ^{Chairman and vice-chairman}

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman. ^{Absence}

20. Six members, not including *ex officio* members, shall constitute a quorum of the Board. ^{Quorum}

21. Notwithstanding any vacancy, so long as there are at least ten members, not including *ex officio* members, the Board may exercise all or any of its powers. ^{Ten members may exercise powers}

22. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs thereof shall be vested in the Board. ^{Management of University by Board}

23. The Board shall have power to make regulations, ^{Regulations}

(a) pertaining to the meetings of the Board and its transactions;

- (b) providing for the appointment of committees and for the conferring upon any such committees of authority to act for the Board with respect to any matter, but no decision of a committee which includes in its membership persons who are not members of the Board shall be valid or effective until approved and ratified by the Board, unless the Board so provides.

Powers of
Board

24. Without limiting the general powers of the Board, the Board shall have the power to,

- (a) appoint the President and Vice-Chancellor of the University, the Vice-President of the University, the Principal of University College, the deans of all faculties, the heads of all academic units within the University, the Comptroller of the University, the Bursar of the University, the Librarian of the University, the Registrar of the University, the professors and all other members of the teaching staff of the University, and all such officers, clerks and other employees as the Board may think necessary for the purposes of the University, and fix their salaries or remuneration and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board and determine their functions, duties, powers and responsibilities;
- (b) provide for the retirement and superannuation of the persons mentioned in clause *a*;
- (c) provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other

instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

- (f) establish such faculties, schools, departments, chairs and courses of instruction in any subject except theology in the University or elsewhere as the Board may determine, but the curricula of all courses of instruction shall be the responsibility of the Senate;
- (g) enter into agreements for the founding, establishment or maintenance of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (h) provide for the affiliation with the University of any college in Ontario established for teaching divinity, arts, science, law, medicine, music, engineering, agriculture, or any other useful branch of learning, on such terms as the Board may determine, and enter into any agreement which may be deemed necessary to effectuate such affiliation, provided, however, that such college shall be one offering courses leading year for year to a degree, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board;
- (i) provide for the dissolution of any such affiliation or of any existing affiliations or for the modification or alteration of the terms thereof;
- (j) provide for the management, government and control of the residences and dining halls operated and maintained by the University;
- (k) fix the fees to be paid for instruction in all faculties, schools, departments and courses now in existence or hereafter established and under the control of the University, for all ancillary activities and the fees for examinations, degrees, diplomas and certificates;
- (l) provide such means for health service and health examination, instruction and training in physical education for the students of the University as the Board may see fit;

- (m) sell any of the real property vested in the Board, or lease the same for any period of years with such right of renewal and under and subject to such rents, covenants, agreements and conditions as the Board may see fit;
- (n) dedicate real property vested in the Board for public highways or other public purposes, on such terms and conditions as the Board may see fit;
- (o) expend such sums as the Board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and for the furnishing and equipment of such existing and newly erected buildings;
- (p) expend such sums as the Board may deem necessary for the purchase, erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University, whether such students are undergraduates or graduates;
- (q) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (r) purchase, assume and hold by gift or devise real property for the purpose of the University without licence in mortmain;
- (s) purchase and acquire all such property as the Board may deem necessary for the purposes of the University, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease;
- (t) without the consent of the owner or of any person interested therein, enter upon, take, use, and appropriate all such real property as the Board may deem necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions

required to be done by the clerk of a municipality or at the office of such clerk the like act shall be done by or at the office of the comptroller, or by or at the office of such officer of the University exercising the office of a comptroller, as the case may be;

- (u) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University for athletic purposes and erect and maintain such buildings and structures thereon as it may deem necessary;
- (v) borrow from time to time from any bank or elsewhere on such terms as may be agreed on such sums of money as may be required for the purposes of the University;
- (w) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise and develop, dispose of, assign or grant licences in respect of or otherwise turn to account property rights or information so acquired and generally to possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent or invention or any rights thereunder may possess, exercise and enjoy;
- (x) apply for, purchase or otherwise acquire any trademarks or trade names or any similar right or any interest therein and use, dispose of, assign or otherwise turn to account the trademarks, trade names and interest so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trademark or trade name or the like may possess, exercise and enjoy;
- (y) apply for, purchase or otherwise acquire any copyright or similar right or any interest therein, or right thereunder, and use, exercise, develop, dispose of, assign or grant licences in respect of, or otherwise turn to account any copyright or similar right or any interest or right so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or

similar right, or any interest therein or right thereunder, may possess, exercise and enjoy.

Alterations
to consti-
tution

25. The Board may modify, alter and change the constitution of any body or committee constituted or continued by this Act except the Senate, and may create such new bodies or committees as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act and may confer upon the bodies or committees constituted or continued by this Act, or any of them, and on any new body or committee hereafter constituted such powers as the Board may see fit, but nothing herein shall authorize any abridgement or change in the powers conferred on the Senate by this Act.

Authentica-
tion of
by-laws,
etc.

26. Except as otherwise provided in this Act, the action of the Board in any matter with which it may deal shall be by resolution or by by-law as the Board may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

Audit of
accounts

27.—(1) The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

Annual
report

(2) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may require.

Actions
against
Board

28. Without the written consent of the Attorney-General, no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office.

Question as
to powers
and duties
settled by
Board

29. If any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-President, Comptroller, Registrar, Librarian, Principal of University College or of any other dean or head of any academic unit, or of any officer or employee of the University, it shall be settled and determined by the Board, whose decision shall be final.

Residual
powers of
Board

30. All the powers over, in respect of, or in relation to the University, its properties, employees, personnel and students which are not by the terms of this Act directed to be exercised by any other person or body of persons are hereby subject to the provisions of this Act vested in the Board.

SENATE

31.—(1) There shall be a Senate of the University composed as follows: ^{Senate, how composed}

(a) The following shall be *ex-officio* members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Vice-President of the University,
- (iv) the Principal of University College,
- (v) the Principal or other head of each affiliated college,
- (vi) the dean of each faculty or school of the University,
- (vii) the Librarian,
- (viii) the President of the General Alumni Association, provided that his ordinary place of residence is within the County of Middlesex, and if not, then a member of the General Alumni Association whose ordinary place of residence is within the County of Middlesex appointed in writing by such President,
- (ix) the Chairman of the Board,
- (x) the Registrar, who shall be secretary of the Senate,
- (xi) the Director of the Summer School and Extension Department,
- (xii) the Director of the French Summer School.

(b) The faculties and schools of the University shall have the following representation and the representatives shall be appointed by their respective faculty councils, unless otherwise provided by the Senate, but one member shall be the principal, dean or other head of such faculty or school:

- (i) the Faculty of University College—four members,

- (ii) the Faculty of Medicine—three members,
 - (iii) the Faculty of Graduate Studies—two members,
 - (iv) the School of Nursing—two members,
 - (v) the School of Business Administration—two members,
 - (vi) any other faculty or school which may hereafter be established within the University and which offers courses leading to a degree—a minimum of two members but not exceeding three members, as determined by the Senate.
- (c) The affiliated colleges shall have the following representation and the representatives shall be appointed by their respective governing bodies but one member shall be the principal or other head of the affiliated college:
- (i) Alma College—one member,
 - (ii) Huron College—two members,
 - (iii) Music Teachers' College—one member,
 - (iv) St. Peter's Seminary College of Arts—two members,
 - (v) Ursuline College—two members,
 - (vi) Waterloo College—two members,
 - (vii) any other college or school which may hereafter become affiliated—one member, provided, however, that if such affiliated college or school prescribes and administers courses approved by the Senate leading to the Bachelor of Arts degree, then such college or school may be represented by a maximum of two members as determined by the Senate.
- (d) The Board shall be represented by the Chairman of the Board as an *ex officio* member and one further member appointed by the Board.
- (e) The City of London may be represented by six members of whom three shall be appointed by the council of the city, two shall be appointed by the

Board of Education of the City, and one shall be appointed by the Separate School Board of the City.

- (f) One member may be appointed by the council of each of the counties named in section 8, and by the council of each city in such counties, other than the council of the City of London.
- (g) The principals of the continuation schools, high schools, collegiate institutes and vocational high schools or institutes in the counties named in section 8 may elect four members from their own number.
- (h) Each of the following groups of graduates may appoint or elect, in such manner and on such terms as the Senate shall determine, the following members:
 - (i) the General Alumni Association of the University may appoint or elect ten members (not including the President of the General Alumni Association) in such manner and on such terms as the Senate may determine,
 - (ii) the graduates in Arts and Science who at the time of graduation were enrolled in Huron College, Music Teachers' College, St. Peter's Seminary College of Arts, Ursuline College, Waterloo College or any other college which may hereafter be affiliated and approved by the Senate to conduct courses leading to a degree in Arts and Science may elect one member each from the graduates of each of such affiliated colleges.

(2) The Vice-Chancellor of the University shall be chairman of the Senate and the Vice-President of the University shall be vice-chairman of the Senate. Chairman
and vice-
chairman

32. The members of the Senate shall hold office for a term of three years and shall be eligible for re-appointment or re-election as the case may be. Term of
office

33. Members of the teaching or administrative staff of the University shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
University

34. Members of the teaching or administrative staff of an affiliated college shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
affiliated
college

Eligibility
of member of
governing
body of
another
university

35. No person shall be eligible for election or appointment as a member of the Senate who is a member of a governing body or senate or faculty of any other degree-granting university, college or other institution of higher learning.

Vacancies
in Senate

36. If an elected or appointed member of the Senate resigns, becomes mentally incapacitated or otherwise incapable of acting or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, or accepts membership in any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, he shall *ipso facto* vacate his office, and a declaration of the existence of any vacancy entered on the minutes of the Senate shall be conclusive evidence thereof.

Filling
vacancies

37. Where a vacancy on the Senate occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Disputes as
to election

38. The Senate shall have the sole right to determine any question concerning the election of any elected member of the Senate or the right of any person to be or sit or act as a member of the Senate, and the decision of the Senate in any such matter shall be final.

Powers and
duties of
Senate

39.—(1) The Senate,

- (a) shall be responsible for the educational policy of the University;
- (b) may make recommendations to the Board relative to the creation of faculties, schools, departments or chairs within the University;
- (c) may recommend to the Board the establishment of courses of instruction, including extension courses, in the University and elsewhere;
- (d) may confer degrees, diplomas and certificates in any subject taught in the University or in theology as taught in any of the affiliated colleges;
- (e) may confer honorary degrees in any department of learning;

- (f) may create faculty councils or committees and committees generally to exercise any of its powers;
- (g) may enact statutes regulating the matters in this section referred to.

(2) The Senate shall confer honorary degrees in divinity ^{Honorary divinity degrees} without fees upon the recommendation of any theological college affiliated with the University.

40. In addition to such others as are expressly mentioned ^{Additional powers and duties of Senate} in this Act, the powers and duties of the Senate shall be to,

- (a) provide for the regulation and conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in section 39;
- (c) recommend to the Board,
 - (i) the affiliation of any college established in Ontario for teaching divinity, arts, science, law, medicine, music, engineering, agriculture or any other useful branch of learning; provided, however, that in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board; and further provided that no college shall be affiliated which is not offering courses leading year for year to a degree, and
 - (ii) the dissolution or suspension of any such affiliation, or the modification or alteration of the terms thereof;
- (d) consider and determine on the recommendations of the respective faculty and school councils the courses of study in all faculties and schools;
- (e) consider and determine on the recommendations of the respective faculty and school councils the conduct and results of the examinations in all faculties and schools;

- (f) hear and determine appeals from the decisions of the faculty and school councils on applications and examinations by students;
- (g) provide for the representation on the Senate of any faculty or school hereafter established in the University and of the graduates in such faculty or school, if in the opinion of the Senate provision should be made for separate representation of such graduates;
- (h) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate, whose constitution and powers shall be as the Senate may from time to time determine.

CHANCELLOR

Chancellor,
election of

41.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) all members, except *ex officio* members, of the Board; and
- (b) representatives of the Senate equal in number to the members of the Board entitled to be members of the electoral board, such representatives to include as *ex officio* members the Vice-Chancellor, Vice-President and Registrar and the remainder to be chosen by the Senate from among its members in such manner as it may determine,

and eight members of the electoral board including the Vice-Chancellor, Vice-President and Registrar shall constitute a quorum.

Who eligible

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is within the Province of Ontario.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the teaching staff or of the administrative staff, or who is an employee of the University or of any affiliated college, or who is a member of the Board of the University or of the governing body of any affiliated college.

Term of
office

42.—(1) The term of office of the Chancellor shall be for six years commencing with the 1st day of July of the year in which the appointment is made, and no Chancellor shall be eligible for re-election.

(2) If a vacancy in the office of Chancellor occurs from any cause, the vacancy shall be filled by the appointment of a successor in the manner set out in section 41, and the successor shall hold office for six years terminating on the 30th day of June in the sixth year after his appointment, and no such successor shall be eligible for re-election. ^{Vacancy in office}

(3) If the Chancellor ceases to be eligible for such office or becomes mentally incapacitated, or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Senate and the Board entered in the minutes of the Board and of the Senate shall be conclusive evidence thereof. ^{Where Chancellor becomes ineligible}

43. The Chancellor shall preside at all convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate. ^{Duties}

VICE-CHANCELLOR

44.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. ^{Vice-Chancellor}

(2) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty of the University appointed by him shall act as Chancellor at Convocation. ^{Vice-Chancellor to act in absence of Chancellor}

(3) In the absence of both Chancellor and Vice-Chancellor, or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty of the University appointed by the Senate for the purpose. ^{Absence of Chancellor and Vice-Chancellor}

OFFICIAL VISITOR

45. His Honour the Lieutenant-Governor of the Province of Ontario shall be the Official Visitor of the University. ^{Official visitor}

GENERAL

46. Sections 1 and 3 of *An Act to incorporate The Western University of London, Ontario*, being chapter 70 of the Statutes of Ontario, 1878, sections 1, 2, 3, 4, 5 and 6 of *An Act respecting the Western University and College*, being chapter 140 of the Statutes of Ontario, 1906, and *The University of Western Ontario Act, 1923* are repealed. ^{1878, c. 70, ss. 1, 3; 1906, c. 140, ss. 1-6; 1923, c. 105, repealed}

47. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

48. This Act may be cited as *The University of Western Ontario Act, 1955*. ^{Short title}

BILL

An Act respecting The University of
Western Ontario

1st Reading

February 18th, 1955

2nd Reading

3rd Reading

MR. PATRICK

*(Reprinted as amended by the Committee
on Private Bills)*

No. 2

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The University of Western Ontario

MR. PATRICK

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 2

1955

BILL

An Act respecting The University of Western Ontario

WHEREAS The University of Western Ontario by its ^{Preamble} petition has prayed for special legislation varying the provisions of its Act of Incorporation in relation to its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Board" means The Board of Governors, The University of Western Ontario;
- (b) "college" includes a school or other institution of higher learning offering courses leading year for year to a degree;
- (c) "property" includes all property, both real and personal;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Senate" means Senate of The University of Western Ontario;
- (f) "University" means The University of Western Ontario.

2. The University named "The University of Western Ontario", commonly known and referred to as "Western", ^{University continued}

its Board of Governors, Senate, Convocation, faculties and schools are and each of them is hereby continued, and, subject to this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy.

Appoint-
ments,
statutes and
regulations
continued

3. All appointments in and statutes and regulations affecting the University and each of them shall continue, subject to this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board.

Religious
tests not
required

4. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any professor, lecturer, teacher, officer, employee or servant, or of any student of the University, nor shall any religious observances according to the forms of any particular denomination or sect be imposed on them.

Proceedings
by or against
University

5. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

AFFILIATED COLLEGES

Affiliated
colleges

6.—(1) Every college affiliated with the University shall continue to be so affiliated, subject to any statute in that behalf and to this Act.

Idem

(2) The following are declared to be the colleges affiliated with the University:

- (a) Alma College;
- (b) Huron College;
- (c) Music Teachers' College;
- (d) St. Peter's Seminary College of Arts;
- (e) Ursuline College;
- (f) Waterloo College.

GRANTS

Grants by
City of
London

7. The City of London may grant annually or from time to time to the Board for the use of the University such a sum or sums as may be agreed upon by the City and the University, and it shall not be necessary to obtain the assent

of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Seventy-five Thousand Dollars (\$75,000) in any one year shall first receive the assent of the said electors.

8. The county council of any of the counties of Essex, Kent, Elgin, Norfolk, Lambton, Middlesex, Oxford, Brant, Huron, Bruce, Grey, Perth, Wellington and Waterloo, or the council of any municipality in such counties other than the City of London, may make grants to the Board for the use of the University, and it shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws for any such grant, provided, however, that any grant in excess of Twenty Thousand Dollars (\$20,000) in any one year shall first receive the assent of the said electors.

PROPERTY

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board.

10. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public uses of the Province of Ontario.

11. The real property vested in the Board shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

THE BOARD OF GOVERNORS

12. The Board of Governors of the University is hereby constituted a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Composition
of Board

13. The Board shall consist of the President and the Vice-President of the University, the Mayor of the City of London, the Warden of the County of Middlesex and the Chancellor, who shall be *ex officio* members, and fourteen members appointed or elected as follows:

- (a) The council of the City of London shall appoint four members, during such time as the City shall make to the Board the annual grant or grants as provided in section 7.
- (b) The Lieutenant-Governor in Council shall appoint four members.
- (c) The Alumni Association of the University may appoint or elect two members, in such manner and on such terms as the Board may determine.
- (d) The members appointed or elected, as the case may be, under clauses *a*, *b* and *c* shall elect four members.

Term of
office

14. Unless his election or appointment shall be otherwise designated, each member shall hold office for four years, shall be eligible for re-appointment or re-election, as the case may be, and shall hold office until such time as his successor is elected or appointed.

Eligibility

15. No person shall be eligible for appointment or election to the Board who is not a British subject and whose customary place of residence is not within the Province of Ontario.

Head of
affiliated
college, etc.,
ineligible

16. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any affiliated college or any member of the teaching or administrative staff of the University or of any affiliated college or any member of the staff, Board or governing body of any other degree-granting institution shall be eligible for appointment or election as a member of the Board.

Membership
vacated

17.—(1) If a member of the Board during his term of office accepts or occupies any of the offices or positions mentioned in section 16 or ceases to have his customary place of residence within Ontario or becomes mentally incapacitated or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant.

(2) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 50 per cent of the regular meetings of the Board, the Board may by resolution declare his membership vacant. ^{Absence from meetings}

(3) If within any fiscal year of the University a member of the Board not having been granted leave of absence by the Board attends less than 25 per cent of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board by resolution to declare his membership vacant. ^{Idem}

(4) A resolution passed under this section entered in the minutes of the Board shall be conclusive evidence of the vacancy declared therein. ^{Proof}

18. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. ^{Filling vacancies}

19.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman. ^{Chairman and vice-chairman}

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman. ^{Absence}

20. Six members, not including *ex officio* members, shall constitute a quorum of the Board. ^{Quorum}

21. Notwithstanding any vacancy, so long as there are at least ten members, not including *ex officio* members, the Board may exercise all or any of its powers. ^{Ten members may exercise powers}

22. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs thereof shall be vested in the Board. ^{Management of University by Board}

23. The Board shall have power to make regulations, ^{Regulations}

(a) pertaining to the meetings of the Board and its transactions;

- (b) providing for the appointment of committees and for the conferring upon any such committees of authority to act for the Board with respect to any matter, but no decision of a committee which includes in its membership persons who are not members of the Board shall be valid or effective until approved and ratified by the Board, unless the Board so provides.

**Powers of
Board**

24. Without limiting the general powers of the Board, the Board shall have the power to,

- (a) appoint the President and Vice-Chancellor of the University, the Vice-President of the University, the Principal of University College, the deans of all faculties, the heads of all academic units within the University, the Comptroller of the University, the Bursar of the University, the Librarian of the University, the Registrar of the University, the professors and all other members of the teaching staff of the University, and all such officers, clerks and other employees as the Board may think necessary for the purposes of the University, and fix their salaries or remuneration and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board and determine their functions, duties, powers and responsibilities;
- (b) provide for the retirement and superannuation of the persons mentioned in clause *a*;
- (c) provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other

instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

- (f) establish such faculties, schools, departments, chairs and courses of instruction in any subject except theology in the University or elsewhere as the Board may determine, but the curricula of all courses of instruction shall be the responsibility of the Senate;
- (g) enter into agreements for the founding, establishment or maintenance of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (h) provide for the affiliation with the University of any college in Ontario established for teaching divinity, arts, science, law, medicine, music, engineering, agriculture, or any other useful branch of learning, on such terms as the Board may determine, and enter into any agreement which may be deemed necessary to effectuate such affiliation, provided, however, that such college shall be one offering courses leading year for year to a degree, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board;
- (i) provide for the dissolution of any such affiliation or of any existing affiliations or for the modification or alteration of the terms thereof;
- (j) provide for the management, government and control of the residences and dining halls operated and maintained by the University;
- (k) fix the fees to be paid for instruction in all faculties, schools, departments and courses now in existence or hereafter established and under the control of the University, for all ancillary activities and the fees for examinations, degrees, diplomas and certificates;
- (l) provide such means for health service and health examination, instruction and training in physical education for the students of the University as the Board may see fit;

- (m) sell any of the real property vested in the Board, or lease the same for any period of years with such right of renewal and under and subject to such rents, covenants, agreements and conditions as the Board may see fit;
- (n) dedicate real property vested in the Board for public highways or other public purposes, on such terms and conditions as the Board may see fit;
- (o) expend such sums as the Board may deem necessary for the support and maintenance of the University and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and for the furnishing and equipment of such existing and newly erected buildings;
- (p) expend such sums as the Board may deem necessary for the purchase, erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University, whether such students are undergraduates or graduates;
- (q) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (r) purchase, assume and hold by gift or devise real property for the purpose of the University without licence in mortmain;
- (s) purchase and acquire all such property as the Board may deem necessary for the purposes of the University, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease;
- (t) without the consent of the owner or of any person interested therein, enter upon, take, use, and expropriate all such real property as the Board may deem necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions

required to be done by the clerk of a municipality or at the office of such clerk the like act shall be done by or at the office of the comptroller, or by or at the office of such officer of the University exercising the office of a comptroller, as the case may be;

- (u) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University for athletic purposes and erect and maintain such buildings and structures thereon as it may deem necessary;
- (v) borrow from time to time from any bank or elsewhere on such terms as may be agreed on such sums of money as may be required for the purposes of the University;
- (w) purchase or otherwise acquire any invention or any interest therein, or any rights in respect thereof, or any secret or other information as to any invention and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise and develop, dispose of, assign or grant licences in respect of or otherwise turn to account property rights or information so acquired and generally to possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent or invention or any rights thereunder may possess, exercise and enjoy;
- (x) apply for, purchase or otherwise acquire any trademarks or trade names or any similar right or any interest therein and use, dispose of, assign or otherwise turn to account the trademarks, trade names and interest so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trademark or trade name or the like may possess, exercise and enjoy;
- (y) apply for, purchase or otherwise acquire any copyright or similar right or any interest therein, or right thereunder, and use, exercise, develop, dispose of, assign or grant licences in respect of, or otherwise turn to account any copyright or similar right or any interest or right so acquired and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or

similar right, or any interest therein or right thereunder, may possess, exercise and enjoy.

Alterations
to consti-
tution

25. The Board may modify, alter and change the constitution of any body or committee constituted or continued by this Act except the Senate, and may create such new bodies or committees as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act and may confer upon the bodies or committees constituted or continued by this Act, or any of them, and on any new body or committee hereafter constituted such powers as the Board may see fit, but nothing herein shall authorize any abridgement or change in the powers conferred on the Senate by this Act.

Authentica-
tion of
by-laws,
etc.

26. Except as otherwise provided in this Act, the action of the Board in any matter with which it may deal shall be by resolution or by by-law as the Board may determine, but it shall not be essential to the validity of any such resolution or by-law that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

Audit of
accounts

27.—(1) The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

Annual
report

(2) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may require.

Actions
against
Board

28. Without the written consent of the Attorney-General, no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office.

Question as
to powers
and duties
settled by
Board

29. If any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-President, Comptroller, Registrar, Librarian, Principal of University College or of any other dean or head of any academic unit, or of any officer or employee of the University, it shall be settled and determined by the Board, whose decision shall be final.

Residual
powers of
Board

30. All the powers over, in respect of, or in relation to the University, its properties, employees, personnel and students which are not by the terms of this Act directed to be exercised by any other person or body of persons are hereby subject to the provisions of this Act vested in the Board.

SENATE

31.—(1) There shall be a Senate of the University com-^{Senate, how}posed as follows: ^{composed}

(a) The following shall be *ex-officio* members:

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Vice-President of the University,
- (iv) the Principal of University College,
- (v) the Principal or other head of each affiliated college,
- (vi) the dean of each faculty or school of the University,
- (vii) the Librarian,
- (viii) the President of the General Alumni Association, provided that his ordinary place of residence is within the County of Middlesex, and if not, then a member of the General Alumni Association whose ordinary place of residence is within the County of Middlesex appointed in writing by such President,
- (ix) the Chairman of the Board,
- (x) the Registrar, who shall be secretary of the Senate,
- (xi) the Director of the Summer School and Extension Department,
- (xii) the Director of the French Summer School.

(b) The faculties and schools of the University shall have the following representation and the representatives shall be appointed by their respective faculty councils, unless otherwise provided by the Senate, but one member shall be the principal, dean or other head of such faculty or school:

- (i) the Faculty of University College—four members,

- (ii) the Faculty of Medicine—three members,
 - (iii) the Faculty of Graduate Studies—two members,
 - (iv) the School of Nursing—two members,
 - (v) the School of Business Administration—two members,
 - (vi) any other faculty or school which may hereafter be established within the University and which offers courses leading to a degree—a minimum of two members but not exceeding three members, as determined by the Senate.
- (c) The affiliated colleges shall have the following representation and the representatives shall be appointed by their respective governing bodies but one member shall be the principal or other head of the affiliated college:
- (i) Alma College—one member,
 - (ii) Huron College—two members,
 - (iii) Music Teachers' College—one member,
 - (iv) St. Peter's Seminary College of Arts—two members,
 - (v) Ursuline College—two members,
 - (vi) Waterloo College—two members,
 - (vii) any other college or school which may hereafter become affiliated—one member, provided, however, that if such affiliated college or school prescribes and administers courses approved by the Senate leading to the Bachelor of Arts degree, then such college or school may be represented by a maximum of two members as determined by the Senate.
- (d) The Board shall be represented by the Chairman of the Board as an *ex officio* member and one further member appointed by the Board.
- (e) The City of London may be represented by six members of whom three shall be appointed by the council of the city, two shall be appointed by the

Board of Education of the City, and one shall be appointed by the Separate School Board of the City.

- (f) One member may be appointed by the council of each of the counties named in section 8, and by the council of each city in such counties, other than the council of the City of London.
- (g) The principals of the continuation schools, high schools, collegiate institutes and vocational high schools or institutes in the counties named in section 8 may elect four members from their own number.
- (h) Each of the following groups of graduates may appoint or elect, in such manner and on such terms as the Senate shall determine, the following members:
 - (i) the General Alumni Association of the University may appoint or elect ten members (not including the President of the General Alumni Association) in such manner and on such terms as the Senate may determine,
 - (ii) the graduates in Arts and Science who at the time of graduation were enrolled in Huron College, Music Teachers' College, St. Peter's Seminary College of Arts, Ursuline College, Waterloo College or any other college which may hereafter be affiliated and approved by the Senate to conduct courses leading to a degree in Arts and Science may elect one member each from the graduates of each of such affiliated colleges.

(2) The Vice-Chancellor of the University shall be chairman of the Senate and the Vice-President of the University shall be vice-chairman of the Senate. Chairman
and vice-
chairman

32. The members of the Senate shall hold office for a term of three years and shall be eligible for re-appointment or re-election as the case may be. Term of
office

33. Members of the teaching or administrative staff of the University shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
University

34. Members of the teaching or administrative staff of an affiliated college shall not be eligible for election by any of the graduate bodies. Eligibility
of staff of
affiliated
college

Eligibility
of member of
governing
body of
another
university

35. No person shall be eligible for election or appointment as a member of the Senate who is a member of a governing body or senate or faculty of any other degree-granting university, college or other institution of higher learning.

Vacancies
in Senate

36. If an elected or appointed member of the Senate resigns, becomes mentally incapacitated or otherwise incapable of acting or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, or accepts membership in any of the bodies mentioned in section 31, not being the body which he has been appointed to represent, he shall *ipso facto* vacate his office, and a declaration of the existence of any vacancy entered on the minutes of the Senate shall be conclusive evidence thereof.

Filling
vacancies

37. Where a vacancy on the Senate occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Disputes as
to election

38. The Senate shall have the sole right to determine any question concerning the election of any elected member of the Senate or the right of any person to be or sit or act as a member of the Senate, and the decision of the Senate in any such matter shall be final.

Powers and
duties of
Senate

39.—(1) The Senate,

- (a) shall be responsible for the educational policy of the University;
- (b) may make recommendations to the Board relative to the creation of faculties, schools, departments or chairs within the University;
- (c) may recommend to the Board the establishment of courses of instruction, including extension courses, in the University and elsewhere;
- (d) may confer degrees, diplomas and certificates in any subject taught in the University or in theology as taught in any of the affiliated colleges;
- (e) may confer honorary degrees in any department of learning;

- (f) may create faculty councils or committees and committees generally to exercise any of its powers;
- (g) may enact statutes regulating the matters in this section referred to.

(2) The Senate shall confer honorary degrees in divinity ^{Honorary divinity degrees} without fees upon the recommendation of any theological college affiliated with the University.

40. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to, ^{Additional powers and duties of Senate}

- (a) provide for the regulation and conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in section 39;
- (c) recommend to the Board,
 - (i) the affiliation of any college established in Ontario for teaching divinity, arts, science, law, medicine, music, engineering, agriculture or any other useful branch of learning; provided, however, that in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board; and further provided that no college shall be affiliated which is not offering courses leading year for year to a degree, and
 - (ii) the dissolution or suspension of any such affiliation, or the modification or alteration of the terms thereof;
- (d) consider and determine on the recommendations of the respective faculty and school councils the courses of study in all faculties and schools;
- (e) consider and determine on the recommendations of the respective faculty and school councils the conduct and results of the examinations in all faculties and schools;

- (f) hear and determine appeals from the decisions of the faculty and school councils on applications and examinations by students;
- (g) provide for the representation on the Senate of any faculty or school hereafter established in the University and of the graduates in such faculty or school, if in the opinion of the Senate provision should be made for separate representation of such graduates;
- (h) provide, if deemed necessary by the Senate, for an executive committee which shall act in the name and on behalf of the Senate between regular meetings of the Senate, whose constitution and powers shall be as the Senate may from time to time determine.

CHANCELLOR

Chancellor,
election of

41.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

- (a) all members, except *ex officio* members, of the Board; and
- (b) representatives of the Senate equal in number to the members of the Board entitled to be members of the electoral board, such representatives to include as *ex officio* members the Vice-Chancellor, Vice-President and Registrar and the remainder to be chosen by the Senate from among its members in such manner as it may determine,

and eight members of the electoral board including the Vice-Chancellor, Vice-President and Registrar shall constitute a quorum.

Who eligible

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is within the Province of Ontario.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the teaching staff or of the administrative staff, or who is an employee of the University or of any affiliated college, or who is a member of the Board of the University or of the governing body of any affiliated college.

Term of
office

42.—(1) The term of office of the Chancellor shall be for six years commencing with the 1st day of July of the year in which the appointment is made, and no Chancellor shall be eligible for re-election.

(2) If a vacancy in the office of Chancellor occurs from any cause, the vacancy shall be filled by the appointment of a successor in the manner set out in section 41, and the successor shall hold office for six years terminating on the 30th day of June in the sixth year after his appointment, and no such successor shall be eligible for re-election. ^{Vacancy in office}

(3) If the Chancellor ceases to be eligible for such office or becomes mentally incapacitated, or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Senate and the Board entered in the minutes of the Board and of the Senate shall be conclusive evidence thereof. ^{Where Chancellor becomes ineligible}

43. The Chancellor shall preside at all convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate. ^{Duties}

VICE-CHANCELLOR

44.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. ^{Vice-Chancellor}

(2) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty of the University appointed by him shall act as Chancellor at Convocation. ^{Vice-Chancellor to act in absence of Chancellor}

(3) In the absence of both Chancellor and Vice-Chancellor, or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty of the University appointed by the Senate for the purpose. ^{Absence of Chancellor and Vice-Chancellor}

OFFICIAL VISITOR

45. His Honour the Lieutenant-Governor of the Province of Ontario shall be the Official Visitor of the University. ^{Official visitor}

GENERAL

46. Sections 1 and 3 of *An Act to incorporate The Western University of London, Ontario*, being chapter 70 of the Statutes of Ontario, 1878, sections 1, 2, 3, 4, 5 and 6 of *An Act respecting the Western University and College*, being chapter 140 of the Statutes of Ontario, 1906, and *The University of Western Ontario Act, 1923* are repealed. ^{1878, c. 70, ss. 1, 3; 1906, c. 140, ss. 1-6; 1923, c. 105, repealed}

47. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

48. This Act may be cited as *The University of Western Ontario Act, 1955*. ^{Short title}

BILL

An Act respecting The University of
Western Ontario

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

MR. PATRICK

No. 3

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The Incorporated Synod
of the Diocese of Algoma

MR. LYONS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 3

1955

BILL

An Act respecting The Incorporated Synod of the Diocese of Algoma

WHEREAS The Incorporated Synod of the Diocese of Algoma by its petition has represented that by section 8 of *An Act to incorporate the Synod of the Diocese of Algoma in connection with the Church of England in the Dominion of Canada*, being chapter 141 of the Statutes of Ontario, 1906, it was authorized and directed to invest at interest all funds held by it in trust in securities in which trustees may invest trust funds under the provisions of *The Trustee Investment Act* R.S.O. 1897, c. 130 and amendments thereto, and in no other securities; and whereas the Synod desires to be empowered to invest the assets comprising the funds held by it in trust in such a manner so as to obtain a greater diversity of investment and an increase in the income derived therefrom; and whereas the petitioner has prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *An Act to incorporate the Synod of the Diocese of Algoma in connection with the Church of England in the Dominion of Canada* is repealed and the following substituted therefor: 1906, c. 141, s. 8, re-enacted

8. The Synod,

Investment
of funds

(a) shall invest at least 70 per cent of the book value of the assets, now or hereafter comprising the funds held by it in trust, in investments in which trustees are now or may hereafter be authorized to invest trust funds under *The Trustee Act*; and

Rev. Stat.,
c. 400

(b) may invest up to 30 per cent of the book value of such assets in investments in which joint stock insurance companies and cash-

1953, c. 19

mutual insurance corporations are now or may hereafter be authorized to invest under *The Corporations Act, 1953,*

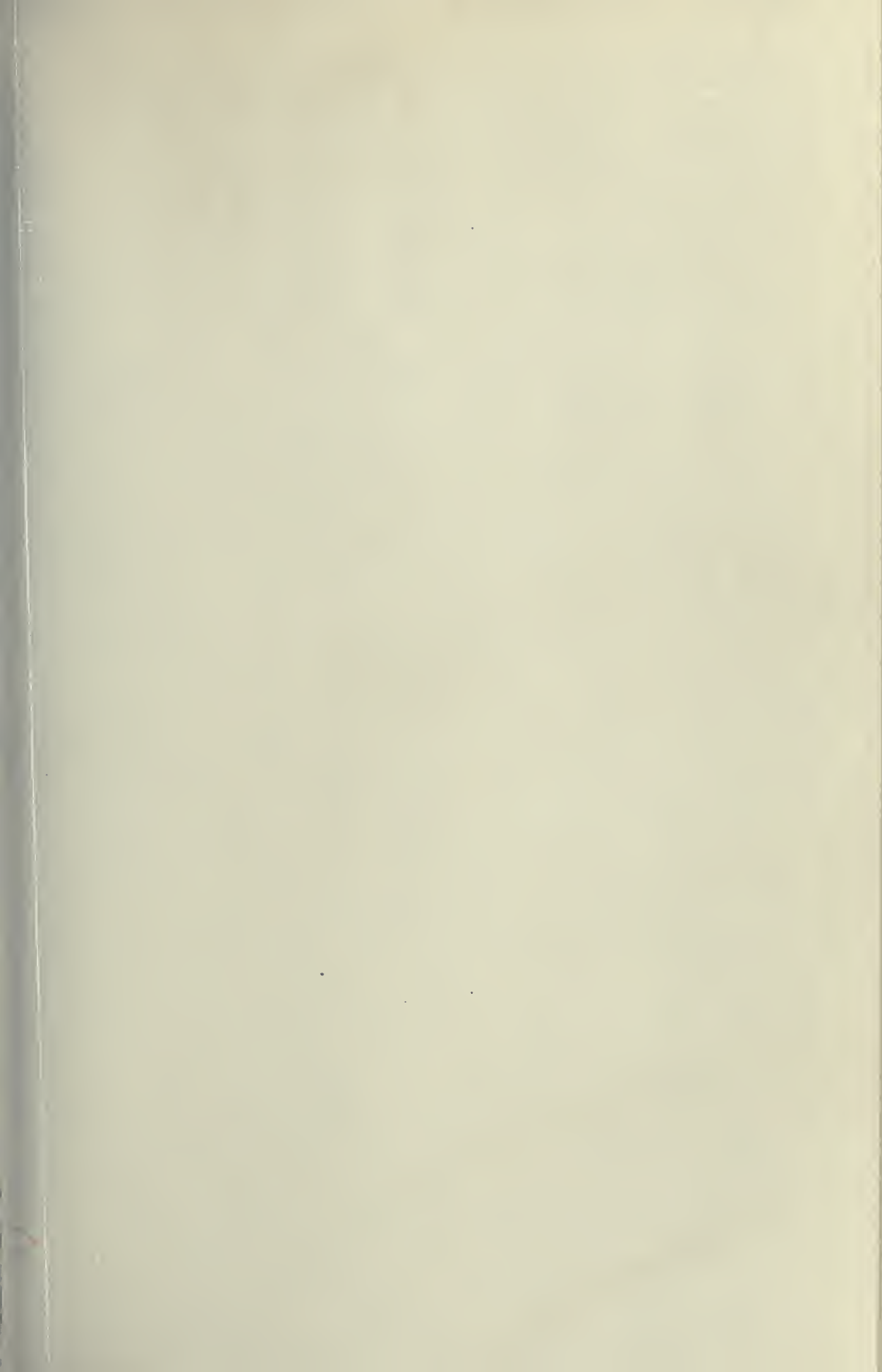
and may alter and vary such investments from time to time by substituting others of a like nature.

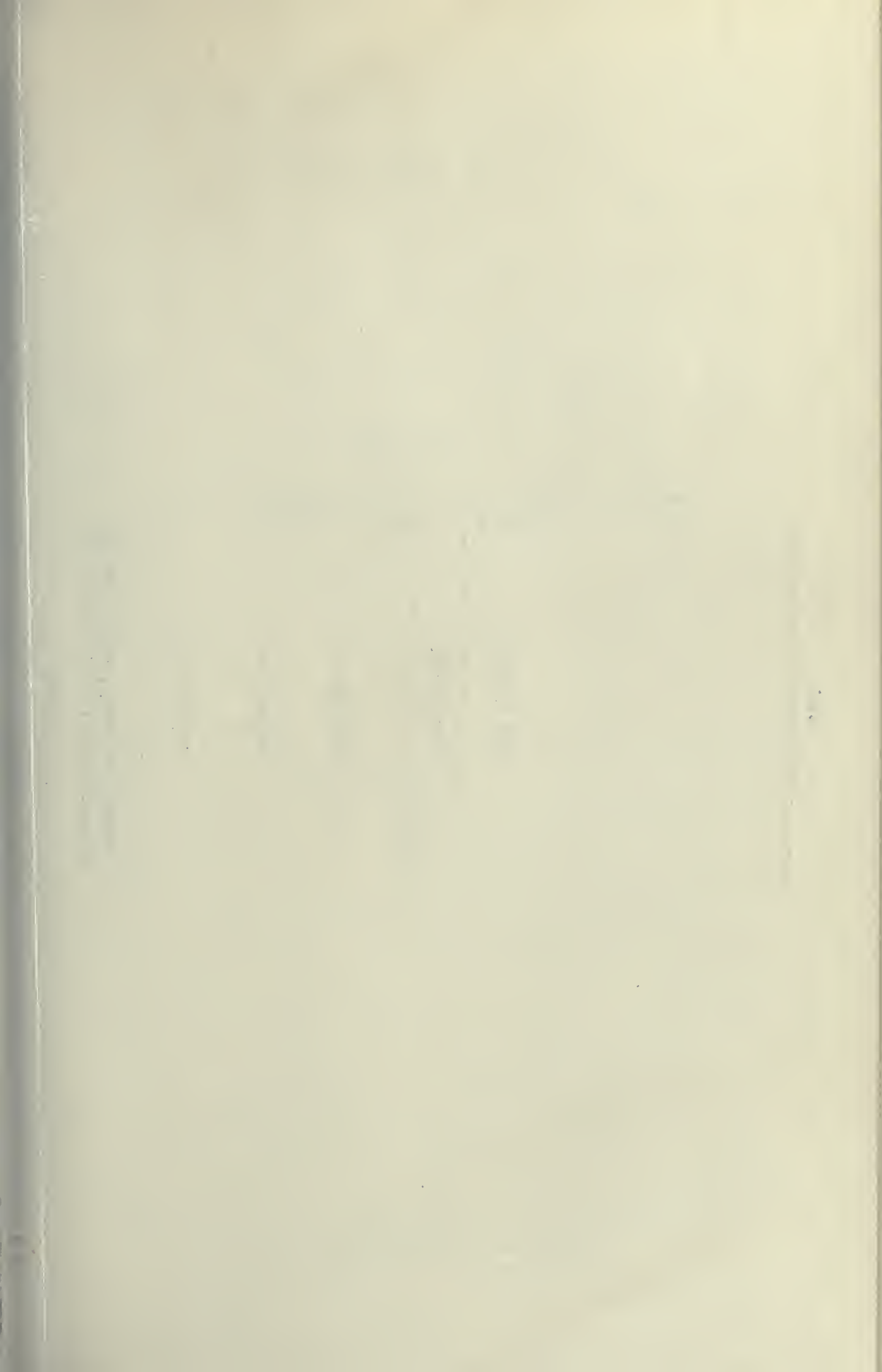
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Incorporated Synod of the Diocese of Algoma Act, 1955.*





BILL

Act Act respecting The Incorporated
Synod of the Diocese of Algoma

1st Reading

2nd Reading

3rd Reading

MR. LYONS

(*Private Bill*)

No. 3

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The Incorporated Synod
of the Diocese of Algoma

MR. LYONS

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 3

1955

BILL

An Act respecting The Incorporated Synod of the Diocese of Algoma

WHEREAS The Incorporated Synod of the Diocese of Algoma by its petition has represented that by section 8 of *An Act to incorporate the Synod of the Diocese of Algoma in connection with the Church of England in the Dominion of Canada*, being chapter 141 of the Statutes of Ontario, 1906, it was authorized and directed to invest at interest all funds held by it in trust in securities in which trustees may invest trust funds under the provisions of *The Trustee Investment Act* and amendments thereto, and in no other securities; and whereas the Synod desires to be empowered to invest the assets comprising the funds held by it in trust in such a manner so as to obtain a greater diversity of investment and an increase in the income derived therefrom; and whereas the petitioner has prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1897,
c. 130

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *An Act to incorporate the Synod of the Diocese of Algoma in connection with the Church of England in the Dominion of Canada* is repealed and the following substituted therefor:

1906, c. 141,
s. 8, re-
enacted

8. The Synod,

Investment
of funds

- (a) shall invest at least 70 per cent of the book value of the assets, now or hereafter comprising the funds held by it in trust, in investments in which trustees are now or may hereafter be authorized to invest trust funds under *The Trustee Act*; and

Rev. Stat.,
c. 400

- (b) may invest up to 30 per cent of the book value of such assets in investments in which joint stock insurance companies and cash-

1953, c. 19

mutual insurance corporations are now or may hereafter be authorized to invest under *The Corporations Act, 1953*,

and may alter and vary such investments from time to time by substituting others of a like nature.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Incorporated Synod of the Diocese of Algoma Act, 1955*.



BILL

Act Act respecting The Incorporated
Synod of the Diocese of Algoma

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

MR. LYONS

No. 4

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Township of Gosfield South

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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AND
ZOOLOGY
OF THE
SMITHSONIAN INSTITUTION
WASHINGTON, D. C.

1881

1881

1881

1881

1881

No. 4

1955

BILL

An Act respecting the Township of Gosfield South

WHEREAS The Corporation of the Township of Preamble
Gosfield South by its petition has prayed for special
legislation to confirm and validate By-law No. 346 of the
Corporation; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. By-law No. 346 of The Corporation of the Township Confirmation
of Gosfield South, set out as the Schedule hereto, is hereby of by-law
confirmed and declared to be legal, valid and binding from
the date of the passing of such by-law.

2. All conveyances by The Corporation of the Township Confirmation
of Gosfield South pursuant to By-law No. 346 are hereby of con-
ratified, confirmed and declared to be legal, valid and veyances
binding.

3. This Act comes into force on the day it receives Royal Commence-
Assent. ment

4. This Act may be cited as *The Township of Gosfield* Short title
South Act, 1955.

SCHEDULE

BY-LAW NO. 346

A by-law for the closing of part of the Highway known as the Front Road in the Township of Gosfield South, in the County of Essex.

WHEREAS it is desirable and expedient to divert and close a portion of the Highway in front of registered Plan No. 860 and a part of registered Plans Nos. 812 and 1274 in the Township of Gosfield South, in the County of Essex, from a line between Lots 3 and 4 according to registered Plan No. 1274 to a line between Lots 24 and 25 according to registered Plan No. 812, for which diversion land has been expropriated under by-law No. 345 in accordance with a plan of the township engineer;

AND WHEREAS due notice of this by-law has been published in the issues of the Kingsville Reporter, a paper published in the Town of Kingsville, County of Essex, aforesaid, on the 13th, 20th and 27th days of March and on the 3rd day of April, 1930, and also posted in six conspicuous places in the immediate neighbourhood of the aforesaid Highway for at least one month prior to the date of this by-law;

AND WHEREAS no objections to the said by-law have been presented to the Municipal Council of the Corporation of the Township of Gosfield South;

AND WHEREAS the Corporation of the said Township of Gosfield South intends to grant all its right, title and interest in the aforesaid portion of the Highway to be closed to the abutting land-owners immediately to the south of the said Highway and also to provide under the provisions of *The Municipal Act* and *The Local Improvement Act* a Highway of sixty-six feet (66') in width immediately to the north of the aforesaid portion of the Highway to be closed;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of Gosfield South:

1. That all that part of the Highway as hereinafter described be and the same is hereby closed, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Gosfield South, in the County of Essex and Province of Ontario, being composed of part of the Front Road as shown on Registered Plans Nos. 812, 860 and 1274, and which said parcel or tract may be more particularly described as follows:

COMMENCING in the southerly limit of the present road and in the limit between Lots 24 and 25, as shown on Registered Plan No. 812; thence westerly, following the southerly limit of the present road to the limit between Farm Lots 22 and 23, which is also the limit between Registered Plans 812 and 860; thence northerly, following the limit between said Lots 22 and 23, nineteen feet (19') more or less, to the southerly limit of the road as shown on Registered Plan No. 860; thence westerly, following the southerly limit of the road as shown on Registered Plan 860, to the limit between Farm Lots 25 and 26, which is also the limit between Registered Plans 860 and 1274; thence continuing westerly, following the southerly limit of the Front Road as shown on Registered Plan No. 1274, to the limit between Lots 3 and 4, according to the last mentioned plan; thence north sixty-eight degrees ten minutes east (N. 68° 10' E.) to the limit between Farm Lots 26 and 25, at the northerly limit of the road shown on Registered Plan No. 860; thence north sixty-four degrees forty-two minutes east (N. 64° 42' E.) following the northerly limit of the said road three hundred and sixty-three feet nine inches (363' 9") more or less, to a post; thence north sixty-seven degrees twenty-seven minutes east (N. 67° 27' E.) eight hundred and nine feet ten inches (809' 10") more or less, to a post; thence north sixty-four degrees twenty-one minutes

east (N. $64^{\circ} 21' E.$) seven hundred and eighteen feet three inches ($718' 3''$) more or less, to the northerly production of the limit between Lots 9 and 10, as shown on Registered Plan No. 860; thence north sixty-nine degrees twenty-three minutes east (N. $69^{\circ} 23' E.$) five hundred and fifty-six feet four inches ($556' 4''$) more or less, to a post planted in the northerly production of the line between Lots 52 and 53, according to Registered Plan No. 812, and which said post is distant seventeen feet ($17'$) measured northerly in the said production from the southerly limit of the present road; thence north sixty-four degrees twenty-one minutes east (N. $64^{\circ} 21' E.$) parallel with the southerly limit of the present road, and distant seventeen feet ($17'$) measured northerly therefrom, eight hundred and ninety feet eleven inches ($890' 11''$) more or less, to a post; thence north sixty-one degrees eleven minutes east (N. $61^{\circ} 11' E.$) two hundred and twenty-seven feet four inches ($227' 4''$) more or less, to the limit between Lots 24 and 25, according to Registered Plan No. 812, and the place of beginning.

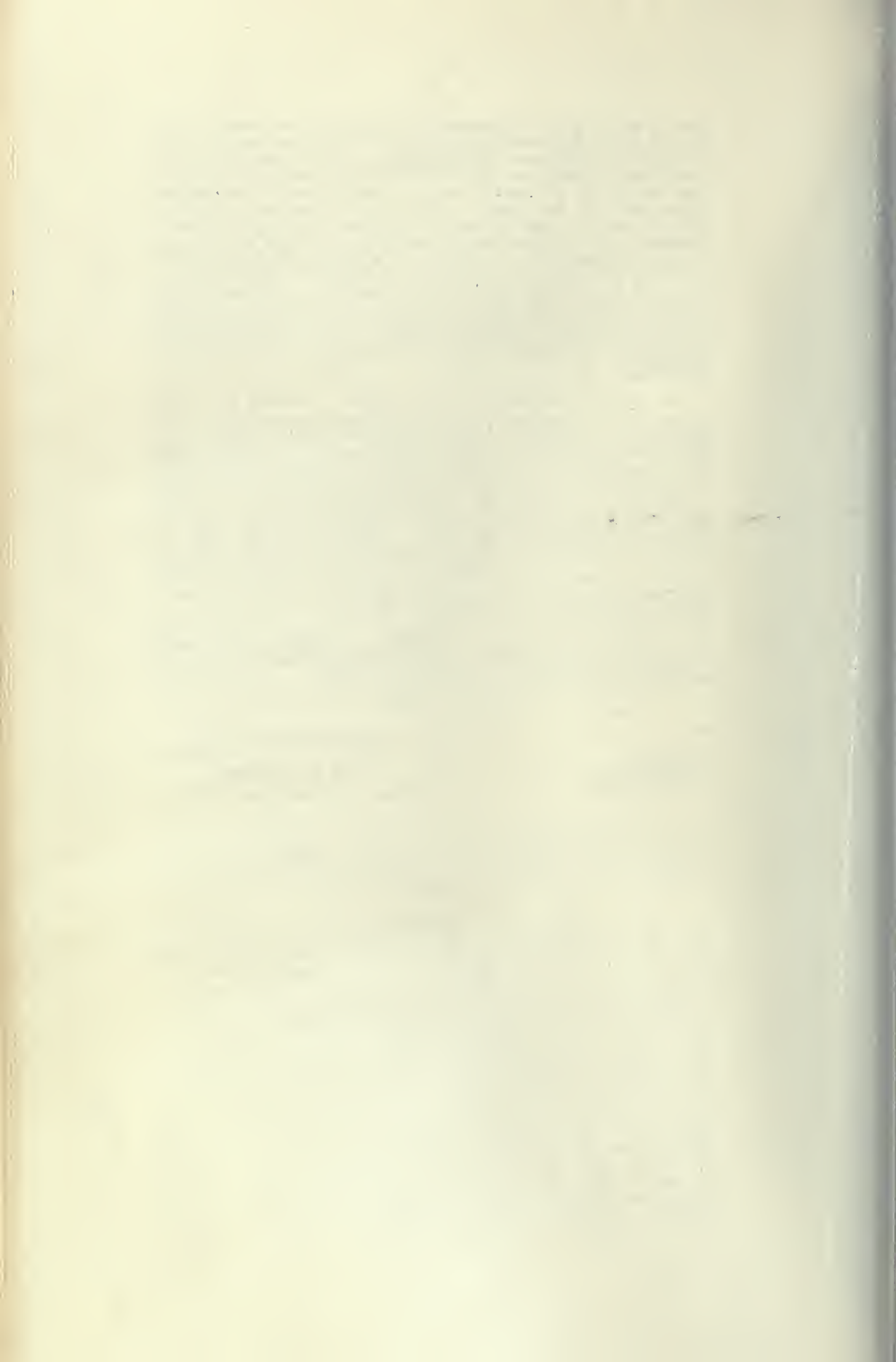
2. That the Corporation of the Township of Gosfield South shall compensate, and does hereby compensate, the aforesaid adjoining owners for depriving them of the means of ingress and egress to and from their lands and for the assessment to be imposed upon them under the said Local Improvement Act by granting and releasing, and does hereby grant and release and quit claim, unto the aforesaid adjoining landowners respectively all its estate, right, title and interest, claim and demand whatsoever both at law and in equity, that part of the aforesaid highway to the respective adjoining landowners equal to the frontage of the said adjoining landowners extending of even width to the northerly limit of that part of the aforesaid highway, which is hereby closed, and hereby authorizes the Reeve and the Clerk under the seal of the said Corporation to execute all necessary deeds and conveyances if requested, to better carry out the intention of this by-law.

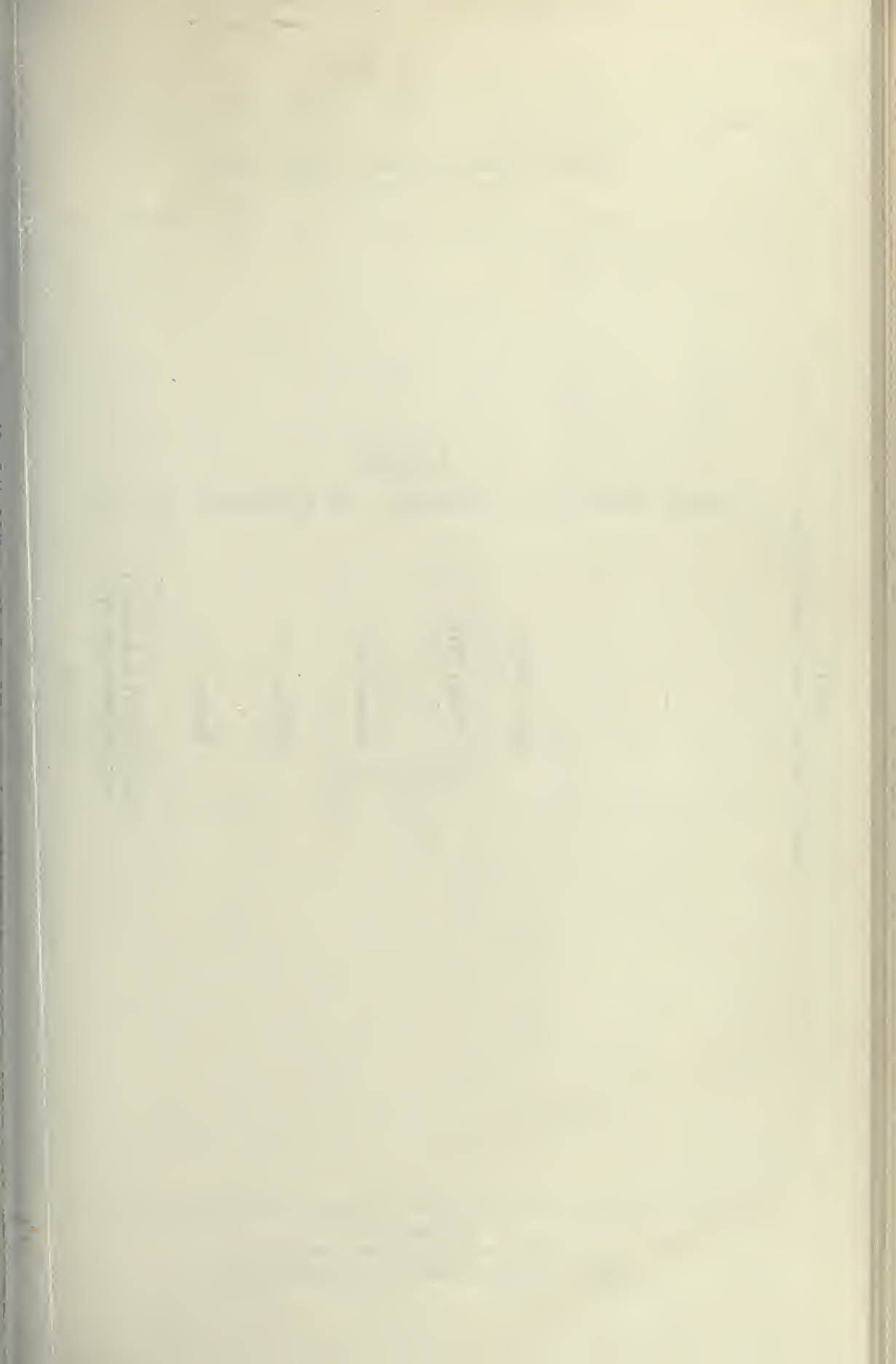
3. This by-law shall not come into force and effect until the proposed diversion or new road above referred to is constructed and open for traffic as declared by a resolution of the Council.

Passed the 21st day of June, 1930.

Township of
Gosfield South
(Corporate Seal)

W. B. CLIFFORD,
J. H. COATSWORTH,
Reeve.
Clerk.





BILL

An Act respecting the
Township of Gosfield South

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

No. 4

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Township of Gosfield South

MR. MURDOCH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 4

1955

BILL

An Act respecting the Township of Gosfield South

WHEREAS The Corporation of the Township of Preamble
Gosfield South by its petition has prayed for special
legislation to confirm and validate By-law No. 346 of the
Corporation; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. By-law No. 346 of The Corporation of the Township Confirmation
of Gosfield South, set out as the Schedule hereto, is hereby of by-law
confirmed and declared to be legal, valid and binding from
the date of the passing of such by-law.

2. All conveyances by The Corporation of the Township Confirmation
of Gosfield South pursuant to By-law No. 346 are hereby of con-
ratified, confirmed and declared to be legal, valid and veyances
binding.

3. This Act comes into force on the day it receives Royal Commence-
Assent. ment

4. This Act may be cited as *The Township of Gosfield* Short title
South Act, 1955.

SCHEDULE

BY-LAW NO. 346

A by-law for the closing of part of the Highway known as the Front Road in the Township of Gosfield South, in the County of Essex.

WHEREAS it is desirable and expedient to divert and close a portion of the Highway in front of registered Plan No. 860 and a part of registered Plans Nos. 812 and 1274 in the Township of Gosfield South, in the County of Essex, from a line between Lots 3 and 4 according to registered Plan No. 1274 to a line between Lots 24 and 25 according to registered Plan No. 812, for which diversion land has been expropriated under by-law No. 345 in accordance with a plan of the township engineer;

AND WHEREAS due notice of this by-law has been published in the issues of the Kingsville Reporter, a paper published in the Town of Kingsville, County of Essex, aforesaid, on the 13th, 20th and 27th days of March and on the 3rd day of April, 1930, and also posted in six conspicuous places in the immediate neighbourhood of the aforesaid Highway for at least one month prior to the date of this by-law;

AND WHEREAS no objections to the said by-law have been presented to the Municipal Council of the Corporation of the Township of Gosfield South;

AND WHEREAS the Corporation of the said Township of Gosfield South intends to grant all its right, title and interest in the aforesaid portion of the Highway to be closed to the abutting land-owners immediately to the south of the said Highway and also to provide under the provisions of *The Municipal Act* and *The Local Improvement Act* a Highway of sixty-six feet (66') in width immediately to the north of the aforesaid portion of the Highway to be closed;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Township of Gosfield South:

1. That all that part of the Highway as hereinafter described be and the same is hereby closed, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Gosfield South, in the County of Essex and Province of Ontario, being composed of part of the Front Road as shown on Registered Plans Nos. 812, 860 and 1274, and which said parcel or tract may be more particularly described as follows:

COMMENCING in the southerly limit of the present road and in the limit between Lots 24 and 25, as shown on Registered Plan No. 812; thence westerly, following the southerly limit of the present road to the limit between Farm Lots 22 and 23, which is also the limit between Registered Plans 812 and 860; thence northerly, following the limit between said Lots 22 and 23, nineteen feet (19') more or less, to the southerly limit of the road as shown on Registered Plan No. 860; thence westerly, following the southerly limit of the road as shown on Registered Plan 860, to the limit between Farm Lots 25 and 26, which is also the limit between Registered Plans 860 and 1274; thence continuing westerly, following the southerly limit of the Front Road as shown on Registered Plan No. 1274, to the limit between Lots 3 and 4, according to the last mentioned plan; thence north sixty-eight degrees ten minutes east (N. 68° 10' E.) to the limit between Farm Lots 26 and 25, at the northerly limit of the road shown on Registered Plan No. 860; thence north sixty-four degrees forty-two minutes east (N. 64° 42' E.) following the northerly limit of the said road three hundred and sixty-three feet nine inches (363' 9") more or less, to a post; thence north sixty-seven degrees twenty-seven minutes east (N. 67° 27' E.) eight hundred and nine feet ten inches (809' 10") more or less, to a post; thence north sixty-four degrees twenty-one minutes

east (N. 64° 21' E.) seven hundred and eighteen feet three inches (718' 3") more or less, to the northerly production of the limit between Lots 9 and 10, as shown on Registered Plan No. 860; thence north sixty-nine degrees twenty-three minutes east (N. 69° 23' E.) five hundred and fifty-six feet four inches (556' 4") more or less, to a post planted in the northerly production of the line between Lots 52 and 53, according to Registered Plan No. 812, and which said post is distant seventeen feet (17') measured northerly in the said production from the southerly limit of the present road; thence north sixty-four degrees twenty-one minutes east (N. 64° 21' E.) parallel with the southerly limit of the present road, and distant seventeen feet (17') measured northerly therefrom, eight hundred and ninety feet eleven inches (890' 11") more or less, to a post; thence north sixty-one degrees eleven minutes east (N. 61° 11' E.) two hundred and twenty-seven feet four inches (227' 4") more or less, to the limit between Lots 24 and 25, according to Registered Plan No. 812, and the place of beginning.

2. That the Corporation of the Township of Gosfield South shall compensate, and does hereby compensate, the aforesaid adjoining owners for depriving them of the means of ingress and egress to and from their lands and for the assessment to be imposed upon them under the said Local Improvement Act by granting and releasing, and does hereby grant and release and quit claim, unto the aforesaid adjoining landowners respectively all its estate, right, title and interest, claim and demand whatsoever both at law and in equity, that part of the aforesaid highway to the respective adjoining landowners equal to the frontage of the said adjoining landowners extending of even width to the northerly limit of that part of the aforesaid highway, which is hereby closed, and hereby authorizes the Reeve and the Clerk under the seal of the said Corporation to execute all necessary deeds and conveyances if requested, to better carry out the intention of this by-law.

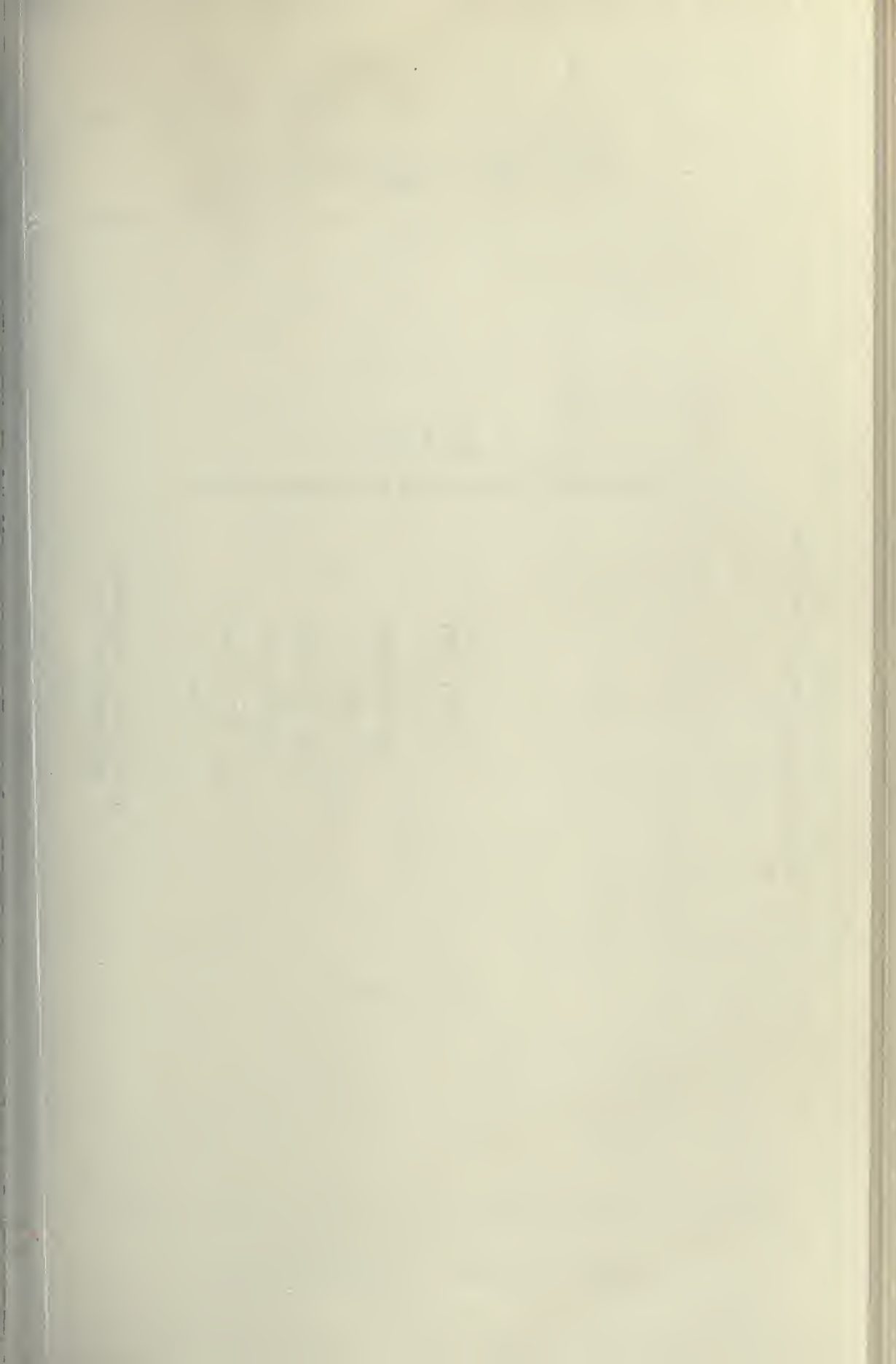
3. This by-law shall not come into force and effect until the proposed diversion or new road above referred to is constructed and open for traffic as declared by a resolution of the Council.

Passed the 21st day of June, 1930.

Township of
Gosfield South
(Corporate Seal)

W. B. CLIFFORD,
J. H. COATSWORTH,
Reeve.
Clerk.





BILL

An Act respecting the
Township of Gosfield South

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

MR. MURDOCH

No. 5

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Town of Dunnville

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 5

1955

BILL

An Act respecting the Town of Dunnville

WHEREAS The Corporation of the Town of Dunnville Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchases of the lands more particularly described Purchases by Town validated in Registered Instruments Numbered 14073, 15259, 15260, 15263 for the Town of Dunnville, and Numbered 12460, 12461, 12465, 12462 and 12463 for the Township of Moulton, in the Registry Office for the Registry Division of the County of Haldimand, from Clarence Harold Dickhout and Doris Hazel Dickhout (as to two parcels), Percival Robert Spencer and Thelma Irene Spencer; Elizabeth Alice Grant; George Stanley Chambers and Grace I. Chambers, and Grace I. Chambers, respectively, to The Corporation of the Town of Dunnville are ratified, confirmed, and declared to be legal, valid and binding and each conveyance of the said lands to The Corporation of the Town of Dunnville shall be deemed to have had the effect of vesting the said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

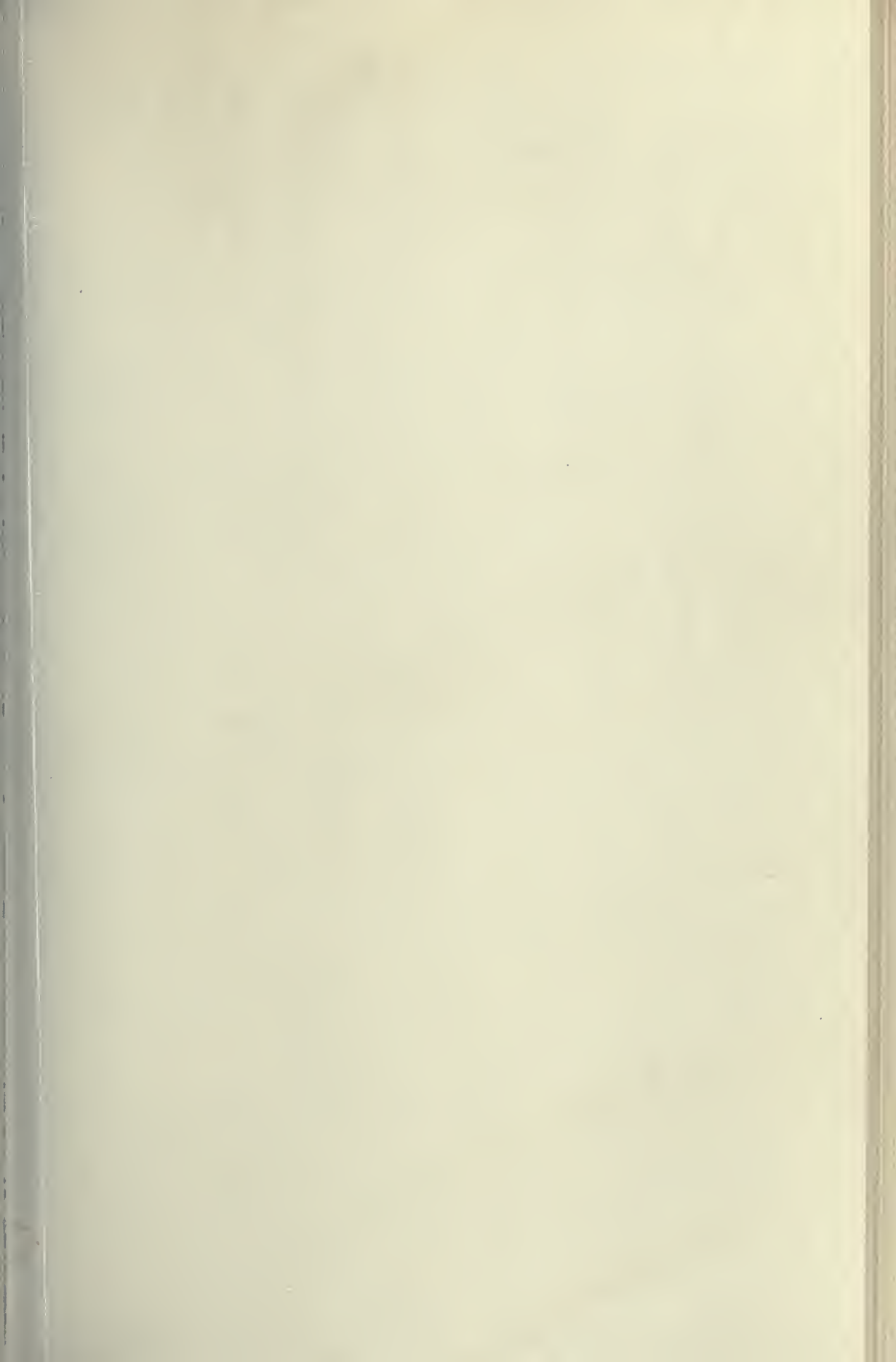
2. The conveyances by The Corporation of the Town of Dunnville to Sylvania Electric (Canada) Ltd. of part of Conveyances confirmed Lots 12, 13, 14, 15 and 16, according to Registered Plan Number 720 for the Town of Dunnville, and Lots 13, 14, 15 and 16, according to Plan Number 1037 for the Township of Moulton, by deed dated the 13th day of February, 1953, and registered as Number 15275 for the Town of Dunnville, and Number 12482 for the Township of Moulton, in the Registry Office for the Registry Division of the County of Haldimand, are ratified, confirmed and declared to be legal, valid and binding.

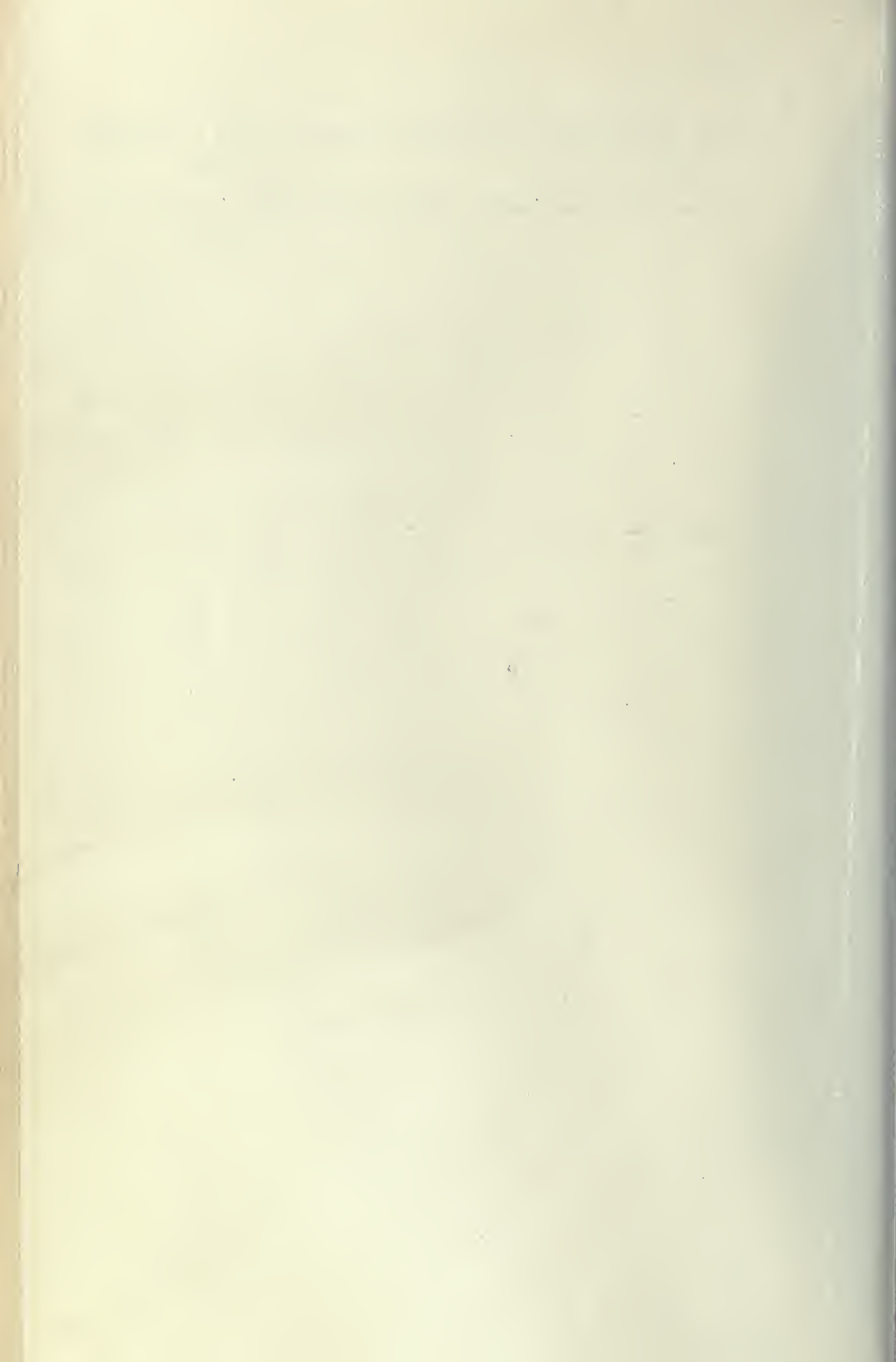
Commence-
ment

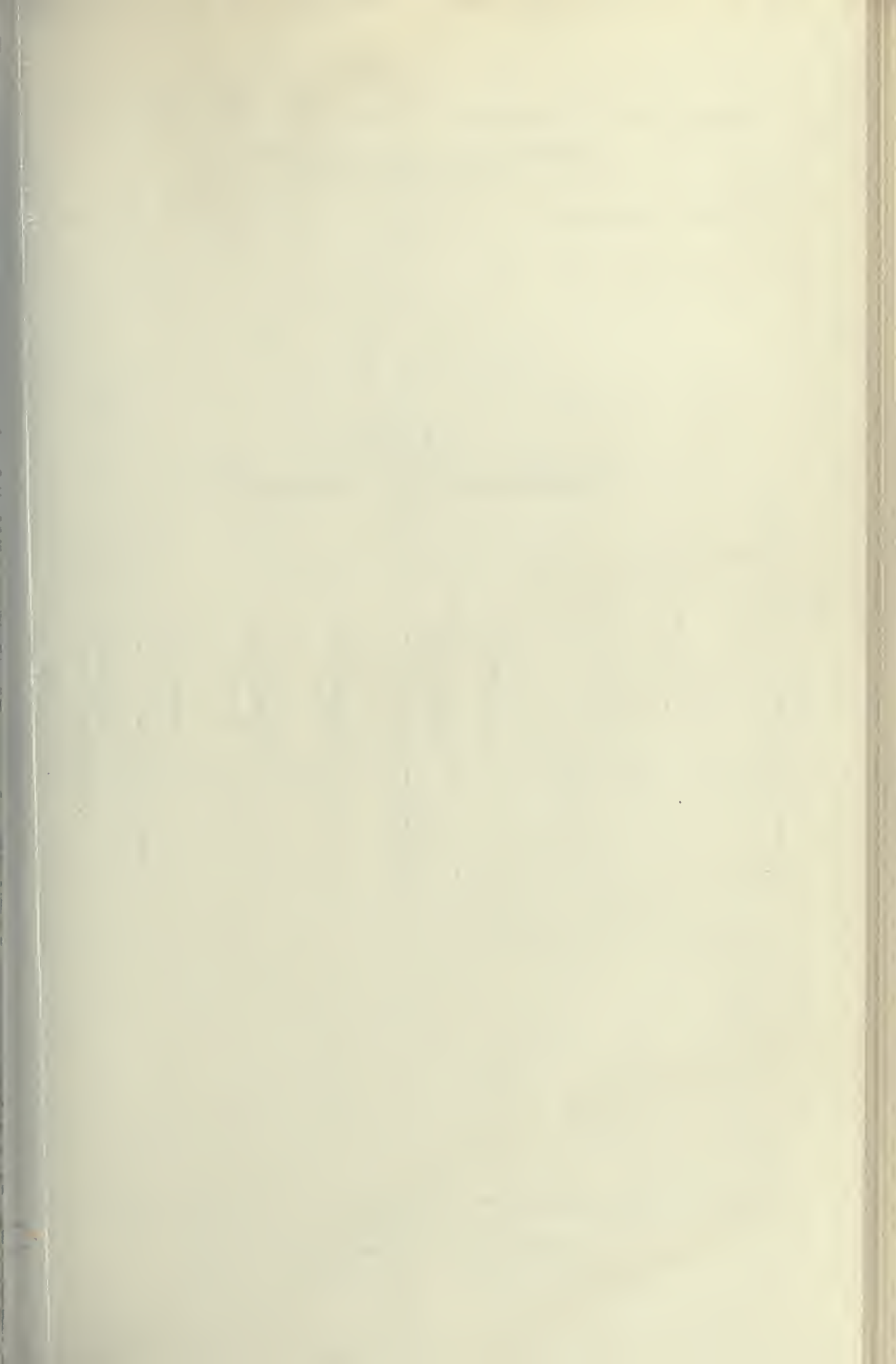
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Dunnville Act, 1955*.







BILL

An Act respecting the Town of
Dunnville

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(Private Bill)

No. 5

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of Dunnville

MR. JOLLEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 5

1955

BILL

An Act respecting the Town of Dunnville

WHEREAS The Corporation of the Town of Dunnville ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchases of the lands more particularly described ^{Purchases by Town validated} in Registered Instruments Numbered 14073, 15259, 15260, 15263 for the Town of Dunnville, and Numbered 12460, 12461, 12465, 12462 and 12463 for the Township of Moulton, in the Registry Office for the Registry Division of the County of Haldimand, from Clarence Harold Dickhout and Doris Hazel Dickhout (as to two parcels), Percival Robert Spencer and Thelma Irene Spencer; Elizabeth Alice Grant; George Stanley Chambers and Grace I. Chambers, and Grace I. Chambers, respectively, to The Corporation of the Town of Dunnville are ratified, confirmed, and declared to be legal, valid and binding and each conveyance of the said lands to The Corporation of the Town of Dunnville shall be deemed to have had the effect of vesting the said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

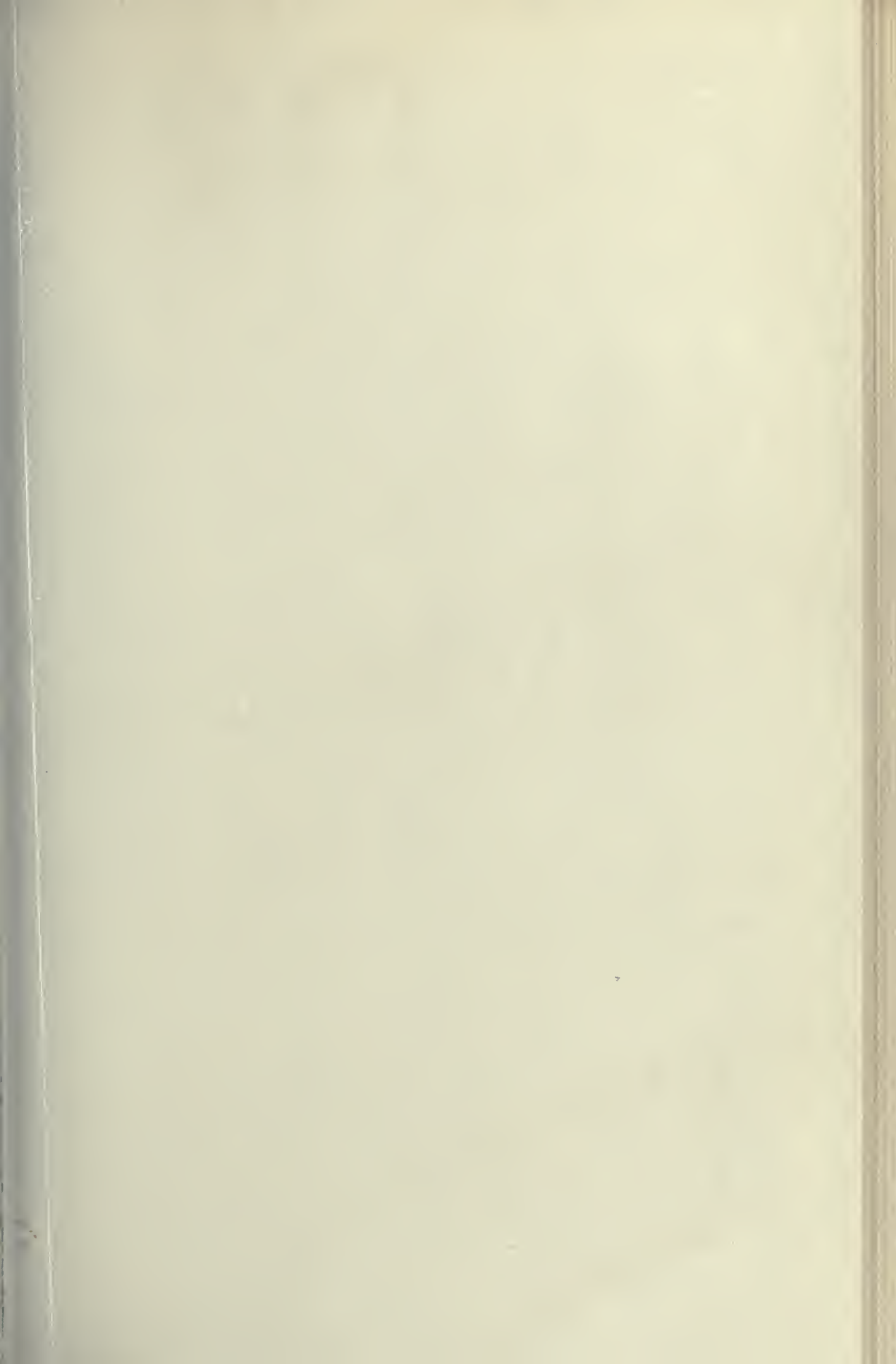
2. The conveyances by The Corporation of the Town of ^{Conveyances confirmed} Dunnville to Sylvania Electric (Canada) Ltd. of part of Lots 12, 13, 14, 15 and 16, according to Registered Plan Number 720 for the Town of Dunnville, and Lots 13, 14, 15 and 16, according to Plan Number 1037 for the Township of Moulton, by deed dated the 13th day of February, 1953, and registered as Number 15275 for the Town of Dunnville, and Number 12482 for the Township of Moulton, in the Registry Office for the Registry Division of the County of Haldimand, are ratified, confirmed and declared to be legal, valid and binding.

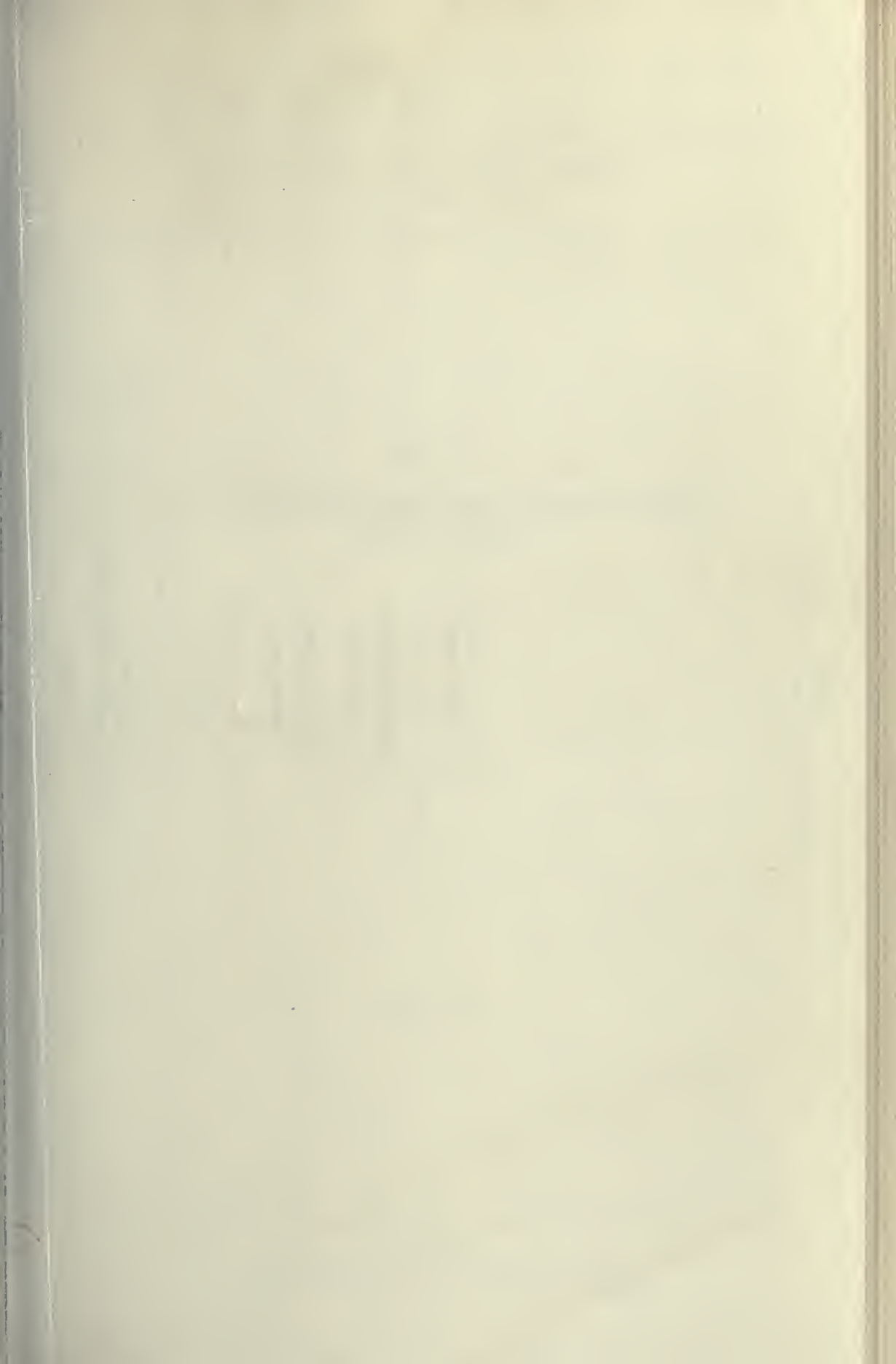
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Dunnville Act, 1955*.





BILL

An Act respecting the Town of
Dunnville

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

Mr. JOLLEY

No. 6

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act respecting The Roman Catholic Bishop
of Fort William**

MR. WARDROPE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 6

1955

BILL

An Act respecting The Roman Catholic Bishop of Fort William

WHEREAS the Corporation of The Roman Catholic ^{Preamble} Bishop of Fort William by its petition has prayed for special legislation to amend *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble of *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* is amended by striking out ^{1953, c. 129, preamble, amended} the metes and bounds description of the boundaries of The Diocese of Fort William and inserting in lieu thereof the following metes and bounds description:

Commencing at a point on the Interprovincial Boundary between Ontario and Manitoba where the said boundary is intersected by the centre line of the road allowance between Townships Forty-four, Range XVI, and Forty-five, Range XVI, of Manitoba, the said centre line being the twelfth base line of the system of Dominion Land Surveys; thence easterly to the ninety-first meridian of longitude; thence south along the ninety-first meridian of longitude to latitude fifty degrees, forty-five minutes, twenty-three seconds; thence easterly along latitude fifty degrees, forty-five minutes, twenty-three seconds to the height of land separating the Albany River watershed from the Great Lakes watershed; thence easterly following the said height of land to its intersection with the eighty-sixth meridian of longitude; thence south along the eighty-sixth meridian of longitude to the International Boundary; thence westerly along the International Boundary to the westerly boundary of Ontario; thence north along the said westerly boundary of Ontario to the place of beginning.

2. Section 2 of *The Roman Catholic Bishop of Fort William Incorporation Act, 1953* is repealed and the following sub-^{1953, c. 129, s. 2, re-enacted}stituted therefor:

2.—(1) The Corporation may borrow money on its credit ^{Borrowing powers} in such amounts, on such terms, and from such persons, firms or corporations, including chartered

banks, as may be determined by the Corporation, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

Idem

- (2) The Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in The Diocese of Fort William, or any officers thereof or any pastor of a parish in The Diocese of Fort William, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Idem

- (3) The Corporation may hypothecate, pledge or charge all or any part of the real or personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Idem

- (4) The Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

Application
of moneys

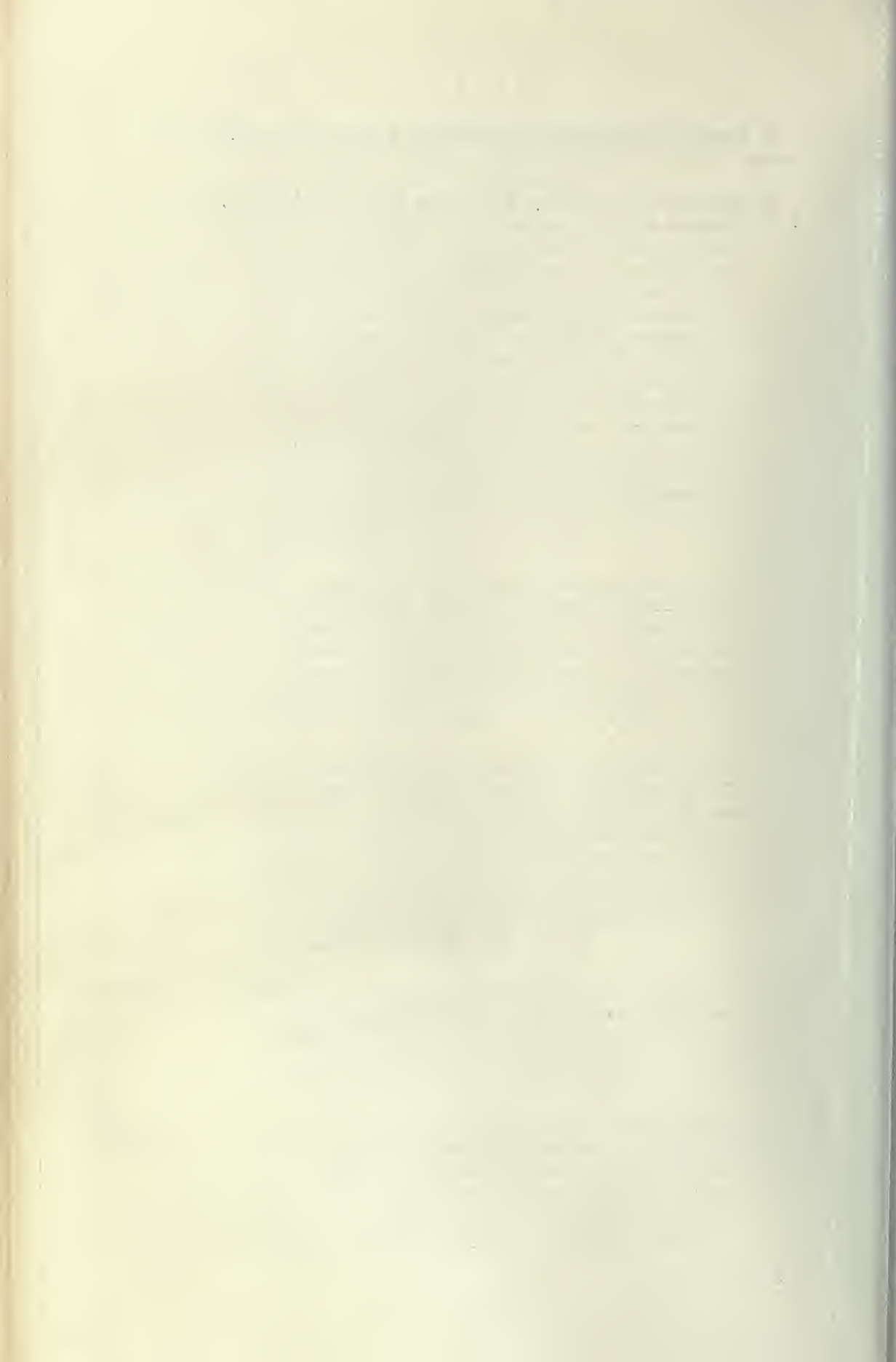
- (5) The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

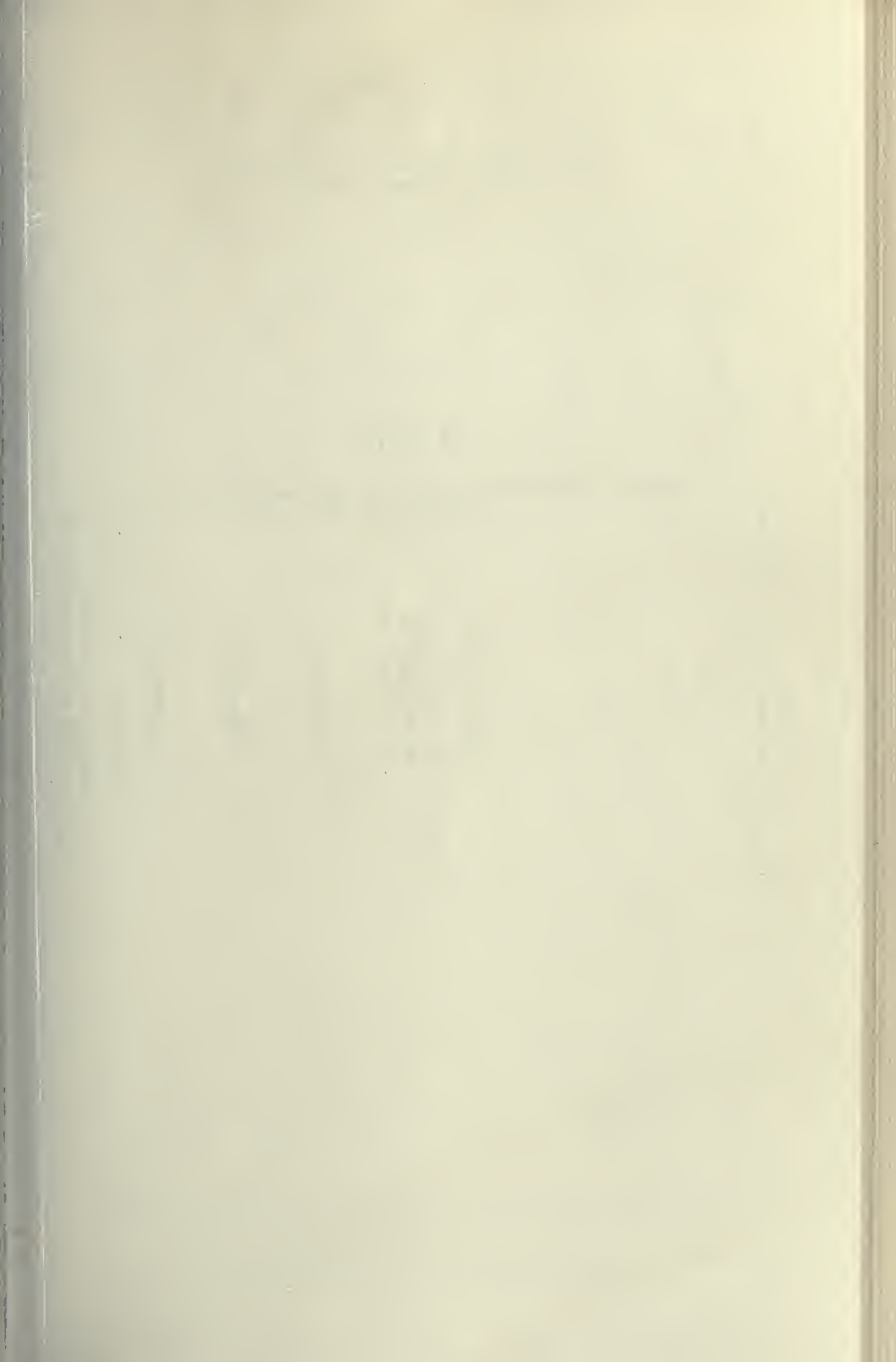
Liability
for moneys
heretofore
borrowed

3. It is hereby declared that the Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent.^{ment}

5. This Act may be cited as *The Roman Catholic Bishop of Short title
Fort William Act, 1955.*





BILL

An Act respecting The Roman Catholic
Bishop of Fort William

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

No. 6

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act respecting The Roman Catholic Bishop
of Fort William**

MR. WARDROPE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 6

1955

BILL

An Act respecting The Roman Catholic Bishop of Fort William

WHEREAS the Corporation of The Roman Catholic Preamble
Bishop of Fort William by its petition has prayed for
special legislation to amend *The Roman Catholic Bishop of* 1953, c. 129
Fort William Incorporation Act, 1953 in respect of the matters
hereinafter set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The preamble of *The Roman Catholic Bishop of Fort* 1953, c. 129,
William Incorporation Act, 1953 is amended by striking out preamble,
the metes and bounds description of the boundaries of The amended
Diocese of Fort William and inserting in lieu thereof the
following metes and bounds description:

Commencing at a point on the Interprovincial Boundary
between Ontario and Manitoba where the said boundary is inter-
sected by the centre line of the road allowance between Town-
ships Forty-four, Range XVI, and Forty-five, Range XVI,
of Manitoba, the said centre line being the twelfth base line of
the system of Dominion Land Surveys; thence easterly to the
ninety-first meridian of longitude; thence south along the
ninety-first meridian of longitude to latitude fifty degrees, forty-
five minutes, twenty-three seconds; thence easterly along
latitude fifty degrees, forty-five minutes, twenty-three seconds
to the height of land separating the Albany River watershed
from the Great Lakes watershed; thence easterly following the
said height of land to its intersection with the eighty-sixth
meridian of longitude; thence south along the eighty-sixth
meridian of longitude to the International Boundary; thence
westerly along the International Boundary to the westerly
boundary of Ontario; thence north along the said westerly
boundary of Ontario to the place of beginning.

2. Section 2 of *The Roman Catholic Bishop of Fort William* 1953,
Incorporation Act, 1953 is repealed and the following sub- c. 129, s. 2,
stituted therefor: re-enacted

2.—(1) The Corporation may borrow money on its credit Borrowing
in such amounts, on such terms, and from such powers
persons, firms or corporations, including chartered

banks, as may be determined by the Corporation, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

Idem

- (2) The Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in The Diocese of Fort William, or any officers thereof or any pastor of a parish in The Diocese of Fort William, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Idem

- (3) The Corporation may hypothecate, pledge or charge all or any part of the real or personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Idem

- (4) The Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

Application
of moneys

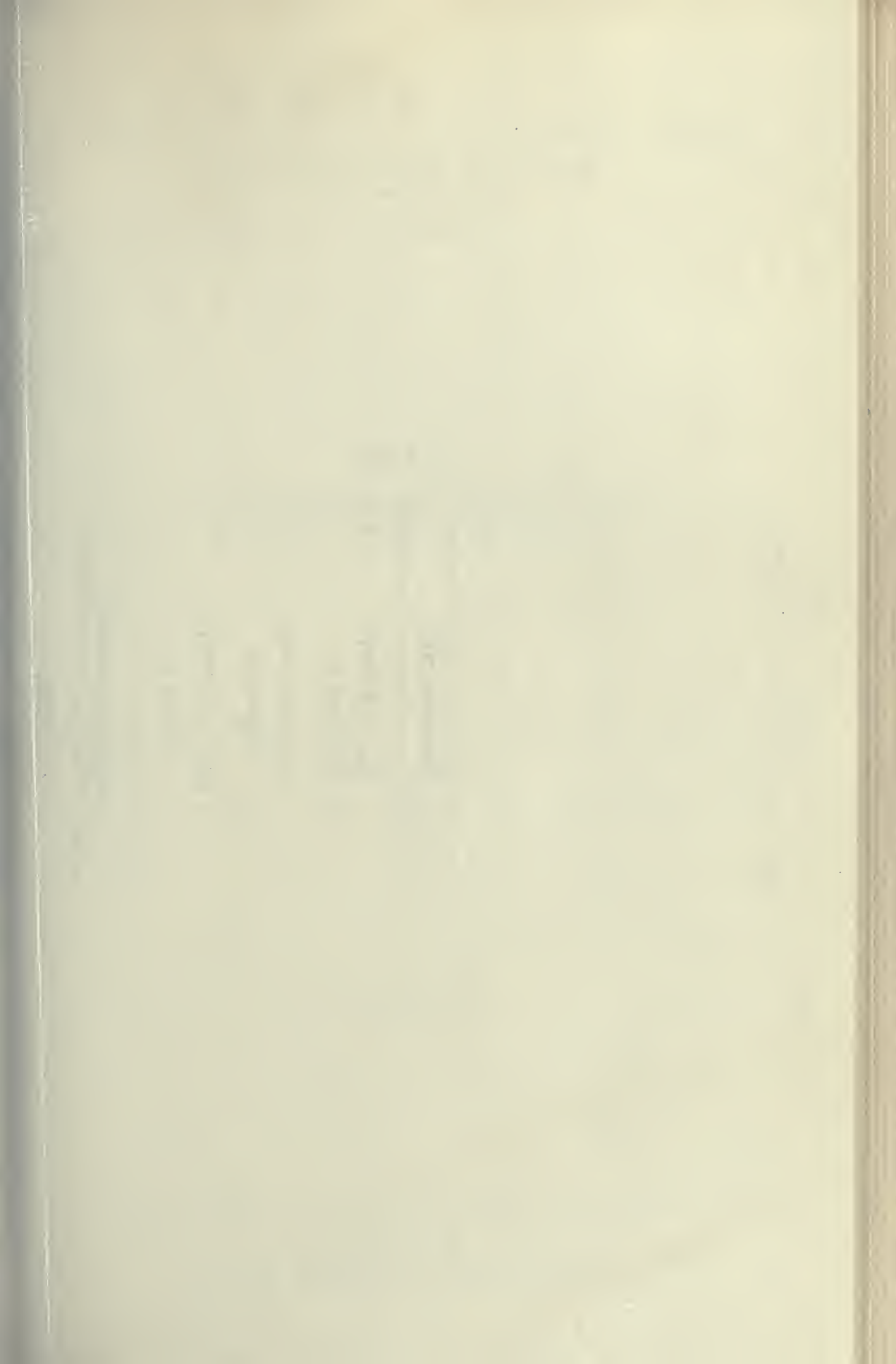
- (5) The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Liability
for moneys
heretofore
borrowed

3. It is hereby declared that the Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

5. This Act may be cited as *The Roman Catholic Bishop of* ^{Short title}
Fort William Act, 1955.



BILL

An Act respecting The Roman Catholic
Bishop of Fort William

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

MR. WARDROPE

No. 7

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the United Counties
of Northumberland and Durham

MR. SANDERCOCK

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 7

1955

BILL

An Act respecting the United Counties of Northumberland and Durham

WHEREAS The Corporation of the United Counties of ^{Preamble} Northumberland and Durham by its petition has prayed for special legislation in respect of a Court House and auxiliary offices for the said Counties; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 12 and 13 of *An Act to consolidate the debt of* ^{1859, c. 72,} *the Town of Cobourg, and to authorize the issue of Debentures* ^{ss. 12, 13,} *on the security of the Town property, and for other purposes,* ^{repealed} being chapter 72 of the Statutes of the Province of Canada, 1859, are repealed.

2. The Proclamation in the Schedule hereto, dated the ^{Proclama-} 24th day of August, 1859, and published at Toronto in the ^{tion} *Canada Gazette* on the 27th day of August, 1859, is ^{revoked} revoked.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The United Counties of* ^{Short title} *Northumberland and Durham Act, 1955.*

SCHEDULE

THE CANADA GAZETTE

Toronto, Saturday, August 27th, 1859

Province of }
Canada }

EDMUND HEAD.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may concern

—GREETING:

JOHN A. MACDONALD, } WHEREAS in and by a certain Act of the
Attorney-General } Legislature of Our Province of Canada,
 passed in the second Session thereof, held in
 the twenty-second year of Our Reign, and intituled, "An Act to Consolidate
 the Debt of the Town of Cobourg, and to authorize the issue of Debentures,
 on the security of the Town property, and for other purposes," it is,
 amongst other things enacted, that "it shall be lawful for the Governor in
 Council, by a Proclamation to be published in the *Canada Gazette*, upon
 application by the County Council of the United Counties of Northumber-
 land and Durham, to direct and appoint that from and after a day to be
 named in such Proclamation, the sittings of the several Courts of Assize
 and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and
 General Quarter Sessions of the Peace, and the County Court for the
 United Counties of Northumberland and Durham, shall be holden in
 the Town Hall, in and for the Town of Cobourg: and from and after such
 day the sittings of the Courts may be lawfully holden in the said Town
 Hall, and the same shall be to all intents and purposes the Court House
 for the said United Counties."

AND WHEREAS the County Council of the United Counties of
 Northumberland and Durham have made application for the publication
 of a Proclamation as, in the said hereinbefore in part recited Act, is
 authorized and permitted, and Our said Governor General, by an order
 in Council, was pleased thereupon to direct to be issued a Proclamation
 for the purposes in the said Act mentioned;

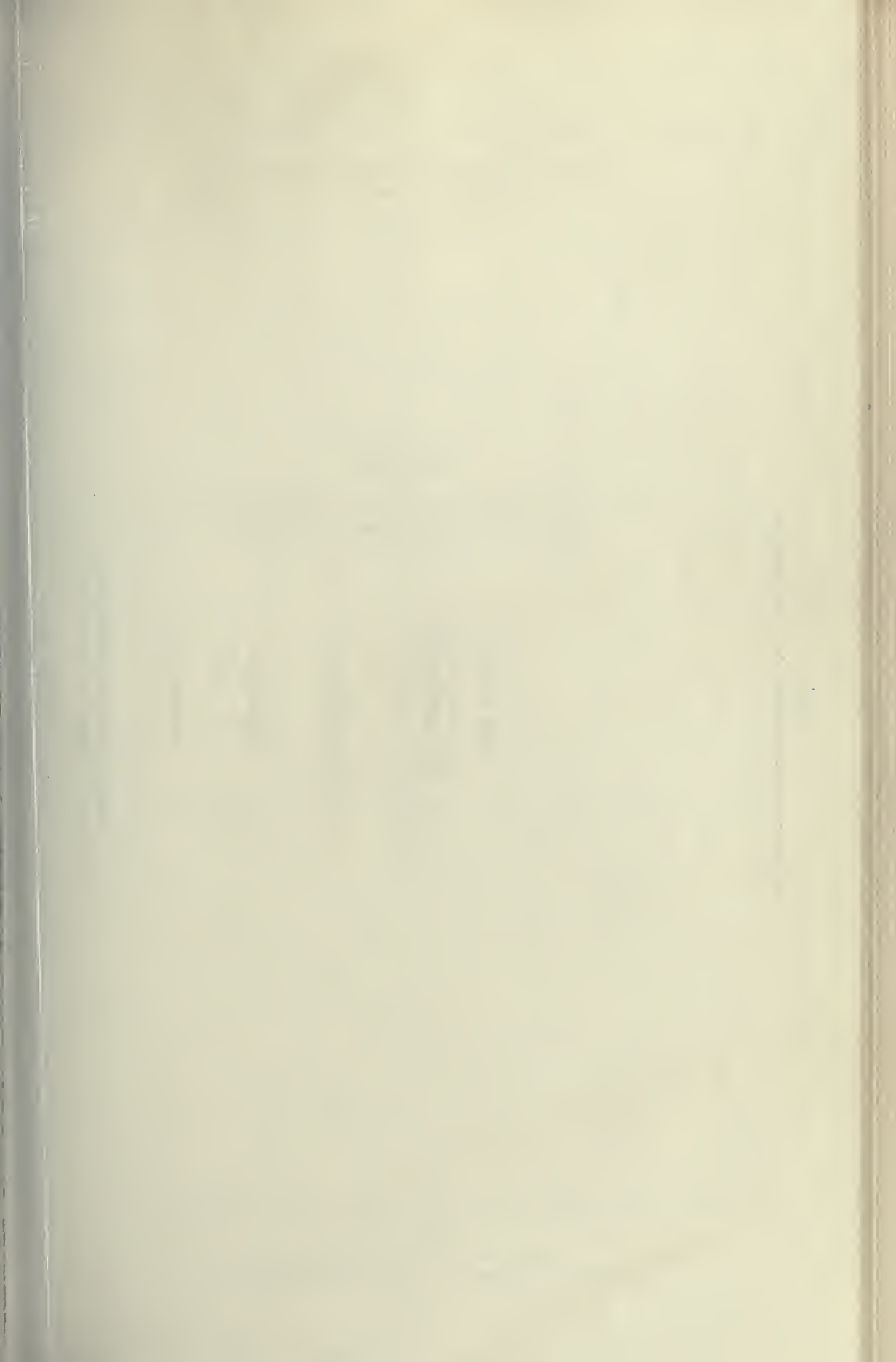
NOW KNOW YE, that we have thought fit upon the application of
 the County Council of the United Counties of Northumberland and
 Durham, and under the order in Council thereon as aforesaid, to issue
 this Proclamation under the hereinbefore in part recited Act, and We do
 by these presents proclaim, direct and appoint that from and after the
 First day of September next ensuing the date hereof, the sittings of
 the several Courts of Assize and Nisi Prius, Oyer and Terminer, and General
 Gaol Delivery, and General Quarter Sessions of the Peace, and the County
 Court for the United Counties of Northumberland and Durham, shall be
 holden in the Town Hall, in and for the Town of Cobourg; of all which
 premises our loving Subjects and all others whom it doth or may in any
 wise concern, are hereby required to take notice and govern themselves
 accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters
 to be made Patent, and the Great Seal of Our said
 Province of Canada to be hereunto affixed:

WITNESS, Our Right Trusty and Well-Beloved the
 Right Honourable Sir Edmund Walker Head, Baronet,
 one of Our Most Honourable Privy Council, Governor
 General of British North America, and Captain General

and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same, &c., &c. At Our Government House, in Our City of Toronto, in Our said Province of Canada, this Twenty-Fourth day of August, in the year of Our Lord, one thousand eight hundred and fifty-nine, and in the Twenty-third year of Our Reign.

By Command,
CHARLES ALLEYN, *Secretary*.



BILL

An Act respecting the United Counties of
Northumberland and Durham

1st Reading

2nd Reading

3rd Reading

MR. SANDERCOCK

(*Private Bill*)

No. 7

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the United Counties
of Northumberland and Durham

MR. SANDERCOCK

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 7

1955

BILL

An Act respecting the United Counties of Northumberland and Durham

WHEREAS The Corporation of the United Counties of ^{Preamble} Northumberland and Durham by its petition has prayed for special legislation in respect of a Court House and auxiliary offices for the said Counties; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 12 and 13 of *An Act to consolidate the debt of* ^{1859, c. 72,} *the Town of Cobourg, and to authorize the issue of Debentures* ^{ss. 12, 13,} *on the security of the Town property, and for other purposes,* ^{repealed} being chapter 72 of the Statutes of the Province of Canada, 1859, are repealed.

2. The Proclamation in the Schedule hereto, dated the ^{Proclama-} 24th day of August, 1859, and published at Toronto in the ^{tion} *Canada Gazette* on the 27th day of August, 1859, is ^{revoked} revoked.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The United Counties of* ^{Short title} *Northumberland and Durham Act, 1955.*

SCHEDULE

THE CANADA GAZETTE

Toronto, Saturday, August 27th, 1859

Province of }
Canada }

EDMUND HEAD.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may concern

—GREETING:

JOHN A. MACDONALD, }
Attorney-General } WHEREAS in and by a certain Act of the Legislature of Our Province of Canada, passed in the second Session thereof, held in the twenty-second year of Our Reign, and intituled, "An Act to Consolidate the Debt of the Town of Cobourg, and to authorize the issue of Debentures, on the security of the Town property, and for other purposes," it is, amongst other things enacted, that "it shall be lawful for the Governor in Council, by a Proclamation to be published in the *Canada Gazette*, upon application by the County Council of the United Counties of Northumberland and Durham, to direct and appoint that from and after a day to be named in such Proclamation, the sittings of the several Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and General Quarter Sessions of the Peace, and the County Court for the United Counties of Northumberland and Durham, shall be holden in the Town Hall, in and for the Town of Cobourg; and from and after such day the sittings of the Courts may be lawfully holden in the said Town Hall, and the same shall be to all intents and purposes the Court House for the said United Counties."

AND WHEREAS the County Council of the United Counties of Northumberland and Durham have made application for the publication of a Proclamation as, in the said hereinbefore in part recited Act, is authorized and permitted, and Our said Governor General, by an order in Council, was pleased thereupon to direct to be issued a Proclamation for the purposes in the said Act mentioned;

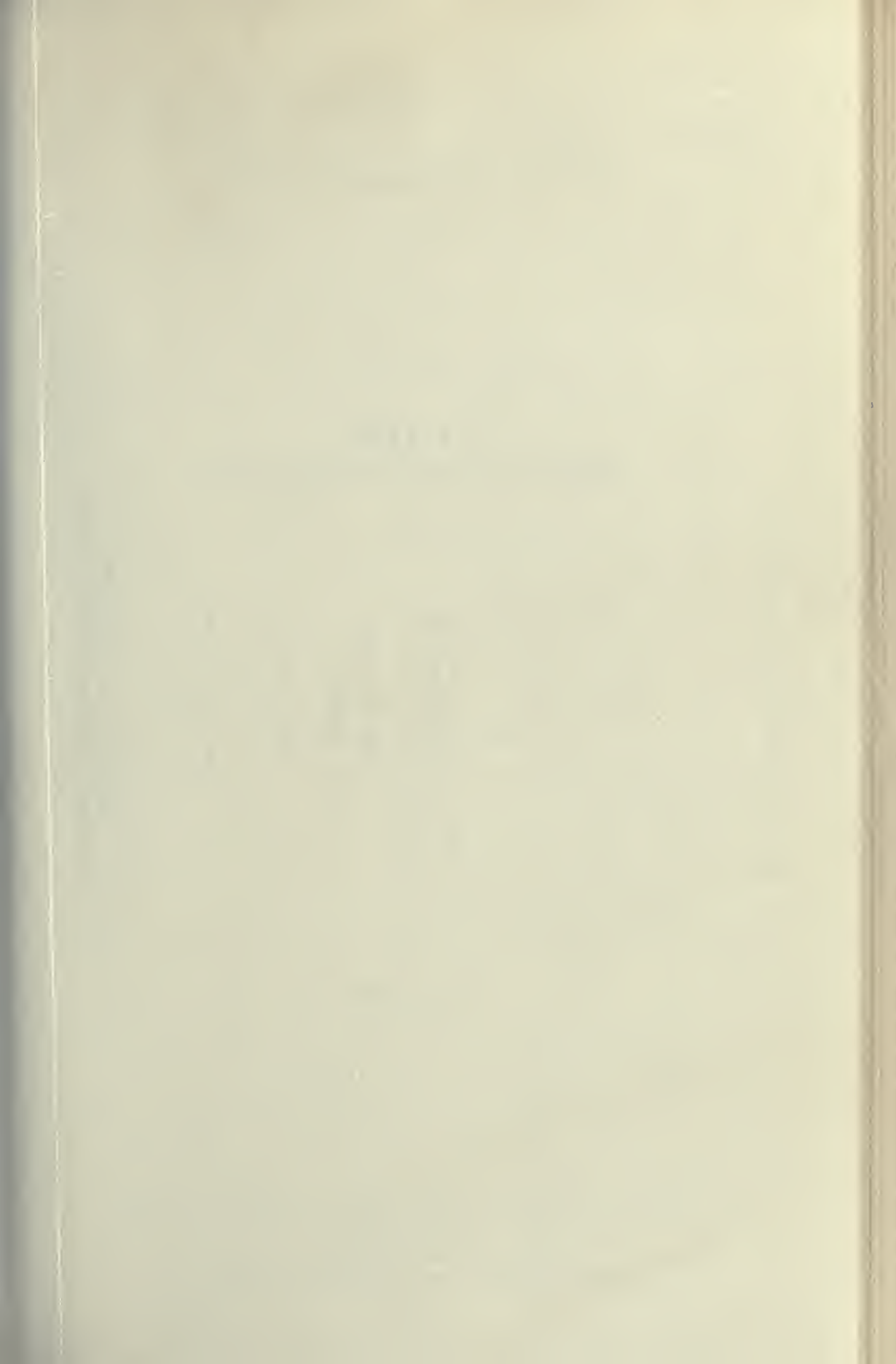
NOW KNOW YE, that we have thought fit upon the application of the County Council of the United Counties of Northumberland and Durham, and under the order in Council thereon as aforesaid, to issue this Proclamation under the hereinbefore in part recited Act, and We do by these presents proclaim, direct and appoint that from and after the First day of September next ensuing the date hereof, the sittings of the several Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, and General Quarter Sessions of the Peace, and the County Court for the United Counties of Northumberland and Durham, shall be holden in the Town Hall, in and for the Town of Cobourg; of all which premises our loving Subjects and all others whom it doth or may in any wise concern, are hereby required to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed:

WITNESS, Our Right Trusty and Well-Beloved the Right Honourable Sir Edmund Walker Head, Baronet, one of Our Most Honourable Privy Council, Governor General of British North America, and Captain General

and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same, &c., &c. At Our Government House, in Our City of Toronto, in Our said Province of Canada, this Twenty-Fourth day of August, in the year of Our Lord, one thousand eight hundred and fifty-nine, and in the Twenty-third year of Our Reign.

By Command,
CHARLES ALLEYN, *Secretary*.



BILL

An Act respecting the United Counties of
Northumberland and Durham

1st Reading

February 18th, 1955

2nd Reading

March 4th, 1955

3rd Reading

March 8th, 1955

MR. SANDERCOCK

No. 8

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of London

MR. ROBARTS (London)

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 8

1955

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is declared to be authorized and empowered, and to have been authorized and empowered, to hold, sell and dispose of surplus lands acquired in the Township of London in assembling a block of land for park purposes and to do all things necessary to sell and dispose of such lands to best advantage, including the registration of plans of subdivision. ^{Lands in Township of London}

2.—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within the City of London to adjoining property owners for such consideration and upon such terms and conditions as may be agreed. ^{Use of untravelled portions of highways}

(2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of untravelled portions of highways within the City of London, including the use thereof for parking purposes. ^{Idem}

3.—(1) The application and use by the Corporation for the general purposes of the Corporation or of any local board thereof of sinking fund surpluses, which heretofore existed in respect of by-laws the debentures under which have been paid off and retired and no other liability exists, is authorized, ratified and confirmed. ^{Sinking fund surpluses}

(2) Order No. P.F.M.-1412 of the Ontario Municipal Board made on the 22nd day of January, 1954, set forth as Schedule A hereto, is confirmed and the Corporation is authorized and empowered to carry out the transfer of funds referred to therein. ^{Order of Municipal Board confirmed}

Board of
Control

4.—(1) There shall be a Board of Control for the City of London if and when the council of the Corporation so elects by by-law passed with the assent of the electors, which by-law may be passed in any year before the 1st day of October.

Election

(2) The Board of Control to be elected pursuant to such by-law shall be elected by the general vote of the municipal electors at the time of the next municipal election and shall comprise four controllers with the Mayor as an *ex officio* member of the Board of Control.

Term of
office of
first
controllers

(3) At the first election, the two controllers obtaining the highest number of votes shall hold office for two years, and the remaining two members shall hold office for one year.

Term of
office

(4) Thereafter, two members of the Board of Control shall be elected each year but shall hold office for two years.

Where
controllers
elected by
acclamation
at first
election

(5) If at the first election the controllers shall be elected by acclamation, the two controllers having the higher assessment according to the last revised assessment roll shall hold office for two years and the remaining controllers shall hold office for one year.

Vacancy

(6) In the event of the vacancy in office of any controller during his term of office, the vacancy shall be filled by the election by the council of another controller for the unexpired term of office of the controller whose office becomes vacant.

Repeal of
by-law

(7) Upon such by-law being passed, it shall not be repealed except by by-law passed with the assent of the electors, which repealing by-law shall take effect at the end of the then current calendar year, and thereupon no further election for a Board of Control shall be held in such year or in any subsequent year.

Nomination
day

5. Nomination day for municipal elections in the City of London shall hereafter be the third Wednesday before the first Monday in December in each year.

Agreement
confirmed

6. The Agreement between the Corporation and Western Fair Association bearing date the 18th day of January, 1955, set forth as Schedule B hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Agreement
confirmed

7. The Agreement between the Corporation and Covent Garden Building Association bearing date the 18th day of January, 1955, set forth as Schedule C hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

8. Subsection 1 of section 7 of *The City of London Act*, 1954, 1954 is amended by striking out the symbol and figures ^{c. 115, s. 7, subs. 1, amended} "\$20,000" in the third line and inserting in lieu thereof the symbol and figures "\$26,000", so that the subsection shall read as follows:

- (1) The Corporation of the City of London is em- ^{Expenditures for centennial} powered to expend from current revenue of the years 1954 and 1955 a sum not exceeding in all \$26,000 for the purposes of celebrating the Centennial of the City's incorporation, such expenditure to be made by the Corporation or through a company or corporation incorporated under *The Companies Act* ^{Rev. Stat., c. 59} and controlled through the council of the Corporation.

9. Subsection 2 of section 14 of *The City of London Act*, 1913, 1913 is repealed and the following substituted therefor: ^{c. 103, s. 14, subs. 2, re-enacted}

- (2) The persons to be appointed by the Council of the Corporation as commissioners shall be those persons ^{Persons to be appointed as commissioners} who hold the office of Public Utilities Commissioners for the City of London and such persons shall hold office only so long as they hold office as Public Utilities Commissioners.
- (3) Vacancies in the office of commissioners shall be ^{Vacancies} filled forthwith by the Council of the Corporation and a commissioner appointed to fill a vacancy shall hold office for the unexpired term of the commissioner whose place has become vacant.

10. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

11. This Act may be cited as *The City of London Act, 1955*. Short title

SCHEDULE A

P.F.M.-1412

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-second day of February, A.D. 1954.

BEFORE:

C. F. NUNN,

—and—

W. GREENWOOD, B.Sc.,

Members.

IN THE MATTER OF Section 318 of
"The Municipal Act" (R.S.O.
1950, Chapter 243), andIN THE MATTER of a By-law of The
Corporation of the City of London
passed on the Sixth day of July,
A.D. 1953, as Number A-3081-187
to authorize the transfer of
\$105,370.95 to the general funds of
the municipality from sinking fund
surpluses.

UPON THE APPLICATION of The Corporation of the City of London for an order approving the transfer from sinking fund surpluses by the Treasurer of the Municipality to the general funds of the Municipality of the sum of \$105,370.95, in the presence of Counsel for the Corporation and of Counsel on behalf of The Board of Education for the City of London and of Counsel on behalf of an interested group of citizens, and upon hearing the evidence adduced and what was alleged by Counsel aforesaid, and it appearing that the sum in question was made up of sinking fund surpluses standing in debenture accounts in respect of the following debentures and amounts:

Debentures issued pursuant to By-law Number 3539	
—surplus.....	\$ 167.56
Debentures issued pursuant to By-law Number 3703	
—surplus.....	488.08
Debentures issued pursuant to By-law Number 3753	
—surplus.....	122.27
Debentures issued pursuant to By-law Number 4098	
—surplus.....	1,174.47
Debentures issued pursuant to By-law Number 4295	
—surplus.....	6,404.37
Debentures issued pursuant to By-law Number 4296	
—surplus.....	6,324.68
Debentures issued pursuant to By-law Number 4297	
—surplus.....	5,100.45
Debentures issued pursuant to By-law Number 4504	
—surplus.....	3,155.22
Debentures issued pursuant to By-law Number 4791	
—surplus.....	1,936.20
Debentures issued pursuant to By-law Number 4793	
—surplus.....	23,832.17
Debentures issued pursuant to By-law Number 4946	
—surplus.....	30,542.76
Debentures issued pursuant to By-law Number 5026	
—surplus.....	2,164.68
Debentures issued pursuant to By-law Number 4792	
—surplus.....	1,839.31
Debentures issued pursuant to By-law Number 4802	
—surplus.....	12,895.20
Debentures issued pursuant to By-law Number 5024	
—surplus.....	3,085.72
Debentures issued pursuant to By-law Number 4918	
—surplus.....	6,137.81
(Seal)	Total..... \$105,370.95

and it appearing that the debentures issued pursuant to the said by-laws have for some time been fully paid and satisfied:

1. IT IS ORDERED that this Board do approve of the transfer by the Treasurer of The Corporation of the City of London of the said sum of \$105,370.95 to the general funds of the Municipality, as approved by the Council of The Corporation of the City of London as appears by said By-law Number A-3081-187.

2. AND IT IS FURTHER ORDERED that there be no costs of this application except as to the sum of \$10, the Board's fee now paid by The Corporation of the City of London.

"W. J. MOORE",
Vice-Chairman.

SCHEDULE B

THIS AGREEMENT made (in duplicate) this 18th day of January in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE FIRST PART,

—and—

WESTERN FAIR ASSOCIATION (hereinafter called
the Association),

OF THE SECOND PART.

WHEREAS the Association was incorporated by special Act of the Legislature of the Province of Ontario, being Chapter 89, Ontario, 1887, which has been amended from time to time by other Acts passed by the said Legislature;

AND WHEREAS the Association since its incorporation as aforesaid has conducted, from time to time, an exhibition in the City of London known as Western Fair;

AND WHEREAS the City owns certain lands within the City of London upon which are constructed buildings and other structures which are suitable for the conduct of the Western Fair, which the City has, from time to time, by license permitted the Association to use for its purposes aforesaid;

AND WHEREAS the Association owns certain lands within the City of London adjoining the lands of the City aforesaid upon which are constructed buildings and other structures suitable for the conduct of the Western Fair;

AND WHEREAS the Association is indebted to the City in the sum of \$89,000.00 with interest at $3\frac{1}{4}\%$ from the 31st day of December, 1954;

AND WHEREAS the Association claims that under and by virtue of a certain Agreement made between the parties hereto and dated the 9th day of November, 1888, the Association has an equity in the lands owned by the City as aforesaid amounting to the sum of \$8,900.00;

AND WHEREAS the Association further claims that under and by virtue of an Agreement dated the 6th day of September, 1887, made between the Association, the City and the East Middlesex Agricultural Society, therein called "the Society" whereby the Society in accordance with the terms of such Agreement became entitled to payment from the Association of the sum of \$4,000.00, the funds of the Society having been invested in the lands owned by the City as aforesaid, and such sum of \$4,000.00 having been paid by the Association to the Society as prescribed by such Agreement on or about the 19th day of May, 1947, the Association is further entitled to an equity of an additional \$4,000.00 in the lands owned by the City as aforesaid;

AND WHEREAS the City and the Association have agreed that the said indebtedness of \$89,000.00 less the aforesaid equities of the Association of \$8,900.00 and \$4,000.00 respectively applicable against the same shall be paid by the Association to the City in the manner in this Agreement prescribed;

AND WHEREAS it is deemed to be in the interest of all of the residents and ratepayers of the City of London that an annual exhibition similar to

that carried on in the past and known as the Western Fair should be conducted and that the said lands, buildings and structures be put to the further uses hereinafter set forth throughout the year and the Association is able and willing to undertake the conduct of such exhibitions and to superintend the further uses of such lands, buildings and structures;

AND WHEREAS it is deemed expedient for the City and the Association to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the City and the Association, in consideration of the covenants and agreements on behalf of each of them respectively to be observed and performed, have covenanted and agreed as follows:

1. The City shall forthwith demise and lease to the Association the lands now owned by the City upon which the Western Fair has been conducted in the past, all of which lands shall be fully and particularly described in the said lease, upon the following terms and conditions, that is to say:

- (a) The Association shall have possession and control of the said lands and premises, buildings, structures and equipment and the superintendence thereof for the following purposes and with the following rights, privileges and obligations:
 - (i) To promote, produce and hold the annual exhibition commonly known as the Western Fair and for this purpose to exclude the general public from the free use of the said lands, buildings, structures and equipment during the holding of the exhibition and for a reasonable time before and after the same for the purpose of preparing for and clearing away after the holding of the said exhibition. Such exhibition shall be of not less than six continuous days' duration and of as much greater duration as the Association may from time to time decide; provided that in the event of war or other national emergency the Association may, if it be deemed advisable so to do, refrain from conducting such an exhibition in any year so long as such emergency exists and for a period of not more than one full year after the cessation thereof; the holding of such exhibition will be prominently advertised and publicized to the end that it may bring people to the City of London to view the same and thereby promote interest in and business in the City of London; the Association shall offer to exhibitors at each such exhibition prizes having a total value of not less than \$15,000.00 and such greater amount as the Association may deem suitable from time to time.
 - (ii) Subject to the foregoing, to permit with or without charge the use of the said lands, buildings, structures and equipment for temporary exhibitions, circuses, entertainments, races and such other temporary uses of the same as may be considered proper by the Association for the entertainment, education or advancement of inhabitants of the City of London and surrounding municipalities, provided no use of the said lands shall be made or be permitted which shall in any way violate any by-law of the City now or hereafter passed.
 - (iii) To promote the use and make available to the general public, with or without an admission charge which shall be a matter to be determined by the Association, the buildings and structures for the purpose of agricultural displays and exhibitions, entertainments, sports, education and the advancement of agriculture, horticulture, and animal husbandry.
 - (iv) When the said lands are not in use for the purpose aforesaid, to permit the general public the use of the same as a public

park and recreation area; provided there shall be no right for the general public to use the buildings or structures on the premises, and the said lands, buildings and structures will be under the control of the Association.

- (b) The Association shall be entitled to erect, at its own expense upon the said lands, such buildings and other structures from time to time as it may consider necessary for its purposes and objects as the same may exist from time to time, and to enlarge, alter and remodel any existing building or structure at present erected or at any time standing upon the said lands, and also, if deemed advisable, for its purposes, to remove, wreck or demolish the same; provided always that if the erection, enlargement, alteration, or remodelling of any building shall be at a cost in excess of \$25,000.00 or if it be intended to remove, wreck, or demolish any building or structure the value of which exceeds \$10,000.00 nothing shall be done pursuant to the provisions of this paragraph without first having obtained the approval and consent of the City, to be given in writing, and subject to such terms and conditions as may be therein contained; whenever any such building or structure is erected, enlarged, altered or remodelled the whole shall be the property of the City without remuneration to the Association.
- (c) The Association shall, at all times, at its own expense, keep all buildings, structures, equipment and improvements upon the said lands from time to time in a proper and reasonable state of repair, condition and appearance, and shall maintain the grounds in proper condition to the satisfaction of the City. Provided, however, that the City shall at its own expense maintain and keep in repair the streets and roadways throughout the grounds, and a lighting system as would be usual for park purposes only, and all curbs, gutters, pavements, storm and sanitary sewers (but not private drain connections) and watermains and shall maintain that part of the grounds comprising the front portion thereof originally known as Queen's Park (and which is that part roughly lying north of the Manufacturers' Building) in such manner as it may in its sole discretion consider proper.
- (d) There shall be maintained at all times upon the buildings and structures insurance against loss by fire or other casualty and insurance protecting both parties to this agreement against all public liability, such insurance to be placed by the City at its own expense. In the event of damage to the buildings or structures by fire or other casualty, exceeding in value the sum of \$25,000.00, the proceeds of such insurance shall be paid to the City but with the City's approval and consent may be made available to the Association for the purpose of rebuilding damaged buildings or structures or constructing other buildings or structures upon the demised lands, and if the damage shall not exceed \$25,000.00 the proceeds of such insurance shall be made available to the Association as the damaged buildings or structures are repaired or reconstructed.
- (e) The Association shall pay to the City the annual sum of \$5.00 payable at the beginning of each year of the said term in advance.
- (f) Such lease shall include the provisions of *The Short Forms of Leases Act*, save as herein varied or as may not be inconsistent herewith, and such lease shall be in a form approved by the Solicitor for the City and for the Association; such lease shall provide that the Association shall pay all taxes now or hereafter assessed against such lands.
- (g) The term of the said lease shall be for a period of 20 years dating from the time the lease is entered into, and renewable if so mutually agreed upon, and upon such terms and conditions as may be determined.

2. The Association shall not erect any buildings on those parts of York Street, King Street and Ontario Street, closed under the provisions of By-law No. S-115-33, without the prior approval in writing of the City and such portions of such streets are hereby declared to be the sole property of the City.

3. That the agreement between the City and the Association, dated February 8, 1950, is hereby rescinded and declared to be of no force or effect.

4. The Association covenants with the City to repay to the City the sum of \$89,000.00 indebtedness hereinbefore referred to on account of the principal amount of which the sum of \$12,900.00 aggregating the equities of the Association in the lands owned by the City as hereinbefore referred to shall be applied leaving a principal balance of \$76,100.00 which shall bear interest from the 31st day of December, 1954, at the rate of 3¼% per annum calculated from that date and payable yearly, and the balance of the principal amount of such indebtedness, namely the said sum of \$76,100.00 shall be paid in the manner following, that is to say, namely: \$4,100.00 upon the execution of this Agreement and \$4,000.00 upon the 31st day of December in each year until the said indebtedness shall have become fully paid and satisfied. The Association shall, if demanded, secure the repayment of the said sum and the interest thereon by First Mortgage in long form to be approved by the solicitor for the City upon the lands now owned by the Association or in any way held in trust for it or in which it may be interested as well as upon the interest of the Association in the said lease if and when executed.

5. Paragraphs 3 and 4 of this Agreement shall be effective forthwith, but the remainder thereof shall not come into force or take effect or be binding upon the parties, unless and until the parties hereto shall be authorized and empowered by a new Act of the Legislature of Ontario to enter into and carry out the terms and conditions hereof; and upon such authorization and power being granted, and becoming effective, such provisions hereof shall come into force and take effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal) ANNA COOMBS

ANNA COOMBS

THE CORPORATION OF THE CITY OF
LONDON

(Seal) A. J. RUSH, *Mayor.*
R. H. COOPER, *Clerk.*

WESTERN FAIR ASSOCIATION

(Seal) I. B. WHALE, *President.*
W. D. JACKSON, *Manager.*

SCHEDULE C

THIS AGREEMENT made this 18th day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City),

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a corporation formed under the laws of the Province of Ontario, and having its head office in the City of London, in the Province of Ontario (hereinafter called the Corporation),

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, section 3, subsection (1) as amended by *The City of London Act, 1954*, section 6, subsection (1) provides as follows:

“3. (1) Without limiting any of the powers of the Corporation, the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper;

- (e) to lease any or all of the Market Square for a period not exceeding thirty years to a private, non-profit corporation formed by local business men for the purpose of erecting thereon a combined Market and Parking Building at no cost to the corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the building and operating expenses are recovered from the revenue therefrom, whichever shall first happen."

AND WHEREAS the Corporation has been incorporated as a private corporation under the laws of the Province of Ontario, the Directors and Members of which are nine local businessmen;

AND WHEREAS "Market Square" in this agreement comprises lands and premises in the said City of London described as follows: Being composed of Lots Numbers Fifteen, Fourteen, Thirteen and part of Twelve (and being parts of Lots A, B, One, Two, Seven and Eight as shown on Plan registered as Number 160) on the north side of King Street and parts of Lots Numbers Fifteen, Fourteen, Thirteen and Twelve, south Dundas Street, in the said City of London, more particularly described as follows: Commencing at the intersection of the northerly limit of King Street with the easterly limit of Talbot Street; thence easterly along the northerly limit of King Street, four hundred point eight feet to a point; thence northerly parallel to the easterly limit of Talbot Street, two hundred and one feet, ten inches; thence westerly parallel to the northerly limit of King Street, four hundred point eight feet, more or less, to the easterly limit of Talbot Street; and thence southerly along the easterly limit of Talbot Street, two hundred and one feet, ten inches, more or less, to the place of beginning;

AND WHEREAS the Corporation is desirous of erecting on the market square, in the said City of London, a Market and Parking Building, without cost to the City, and to provide that the said building shall be given to the City, without charge and free from all encumbrances, at the end of thirty years, or at such earlier date as the cost of the building and operating expenses are recovered, as herein more particularly provided;

AND WHEREAS for such purpose the Corporation is desirous of procuring from the City a lease of the said market square;

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises each of the parties hereto, for themselves, their successors and assigns, covenant and agree as follows:

1. The Corporation covenants that it is a non-profit corporation formed under Part III of *The Corporations Act, 1953* the Members of which are all business men of the City of London and are as follows: W. E. Mara, J. A. Anderson, W. H. McCrae, Paul Smith, E. V. Rippingille, Jr., Isaac Siskind, C. E. Isard, W. E. Young and Joseph Jeffery, which said Members, and two Council Members to be appointed, are all the Directors of the Corporation.

2. The City agrees that upon the execution of this agreement the City will contract with no licensee, tenant, occupant or other person for occupation of any part of the market square beyond an occupancy of monthly duration.

3. The City agrees to give possession of the market square to the Corporation, subject to any unexpired tenancies—

- (a) When the Corporation tenders evidence to the satisfaction of the Council of the City that the financing of the said building is substantially completed, and

- (b) Upon the Corporation delivering to the City a bond securing the due completion of the building at the time and in the manner provided herein, said bond to be in the amount of fifty per cent of the contract price for completion of the building and equipment, in a form approved by the solicitor of the City, and
- (c) Upon the execution by the Corporation of the lease herein referred to.

If the Corporation shall not comply with the provisions of this section within six months of this agreement coming into effect, this agreement shall be of no further force or effect.

4. Upon compliance with the provisions of section 3 (a), (b), and (c) the City agrees to proceed to terminate all licenses, tenancies and other rights of the present occupants of the market square.

5. The Corporation agrees that on obtaining possession of the market square, it will raze and tear down, at its own expense, the buildings now on the market square, save the structure known as "Chancey Smith's" and the market parking office which is the property of the City, and will construct thereon a Market and Parking Building substantially in accordance with the plans drawn by the Engineer of the Corporation, which plans are attached hereto as schedule "A" and initialled by the proper officers of the parties hereto, and as may be altered by mutual agreement. Road and sidewalk grades shall be approved by the City Engineer.

6. The City agrees that the Corporation shall retain and convert to its own use the salvage obtained from the buildings razed and torn down as provided in the preceding paragraph hereof, provided that the buildings hereinbefore referred to shall not include the market parking office or the structure known as "Chancey Smith's", in respect of which the City shall forthwith, on the Corporation's compliance with Section 3, give notice to remove.

7. The Corporation agrees that the Market and Parking Building to be erected shall be completed eighteen months after the date when possession of the market square is given to the Corporation, provided that in the event of strikes, lockouts, fire, unavoidable delay by common carriers, or unavoidable casualties or acts of God the time for completion shall be extended for a time equivalent to that of the delay occasioned by such causes. The Corporation agrees that any construction contracts let with regard to construction or repair of the said building shall contain the usual local labour clauses.

8. The Corporation agrees not to remove or alter the location of any sewer, wire, cable or other utility during the construction of the said building without the consent, in writing, of the City; such work to be done without expense to the City or of The Public Utilities Commission thereof. The Corporation will arrange for the movement of the cable or cables of The Bell Telephone Company without expense to the City. The Corporation will pay for work necessitated by the construction of the building for curb and gutter and sidewalk on Talbot and King Streets, sidewalks, curb and gutter on the north and east sides of the building. The cost of grading and paving fire lane and Temple Street will be shared as to one-half by each of the parties hereto.

9. The City agrees to grant, and the Corporation agrees to lease, the market square for the term of thirty years from the date of delivery of possession of the said market square at the yearly rental of Ten thousand dollars, payable in equal quarterly payments, the first payment to be three months after the execution of the said lease, and the payment for the last quarter of the term to be made one month prior to the expiration of the lease or prior to its termination. The lease is to be drawn in accordance with this agreement, and shall contain the provisions of *The Short Forms of Leases Act*, and the covenants hereinafter contained.

10. The following clauses shall be deemed to be terms of this agreement and shall also be incorporated in the lease to be given pursuant to the terms hereof:

- (a) Upon the completion of the construction of the Market and Parking Building the Corporation agrees to operate the said building in a proper and businesslike manner for such purposes and at its own expense;
- (b) That part of the building to be known and designated as the parking area shall be used only for that purpose and the Corporation shall have the sole right to set the fee or charge for parking in the said area, and the manner in which and by which cars and vehicles of all descriptions may be parked and stored in the said area;
- (c) That part of the said building known as the Market area shall be used only for that purpose and the Corporation shall fix the rental for areas to be occupied by dealers and shall generally control the facilities for and the manner in which goods, wares, and merchandise may be sold, provided that the Corporation shall be subject to reasonable rules and regulations of the City designed for the comfort and protection of the public and to assure that such area is made available for the usual market purposes;
- (d) When either area is not in demand for the designated purposes such purposes may be interchanged;
- (e) The Corporation shall provide, equip and maintain within the area so marked on the said plans and specifications marked as Schedule "A" a comfort station comprising separate toilet and washing facilities for men and women; such facilities to be available for public use generally during such days and hours as are now maintained by the City for its comfort station. The Corporation will, at all times, at its own expense, properly heat the same and keep the same clean and in good order, all to the satisfaction of the City Engineer or The Department of Health of the City of London;
- (f) The Corporation agrees that no revenue received by the Corporation from the operation of the said building shall be expended for any other purpose than for the necessary operational expenses, repairs, improvements, etc., of the building and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for such building. Any surpluses shall be used for the said purposes and no dividends shall be paid. If at the time of turning over the building to the City any surpluses exist, the same shall be paid to the City after providing for debts and the cost of winding up the Corporation;
- (g) The Corporation agrees that no fees, wages or salaries shall be paid to the Directors or officers of the Corporation as Directors or officers, and that wages and salaries paid by the Corporation shall be reasonable and be paid only to those persons actually engaged in the maintenance and operation of the said building;
- (h) It is understood and agreed by the parties hereto that all proper charges for physical properties for the said building, legal fees, engineering fees, auditing and accounting fees and fees incurred in the financing of the Corporation shall be proper expenditures for the construction or operation of the building;
- (i) The Corporation agrees that it will provide the City with an annual statement of income and expenditure, a balance sheet and that the City will have free access to the books of the Corporation for its servants, agents, employees or auditors for the purpose of examination at all reasonable times;
- (j) The Corporation agrees that two Directors of the Corporation shall be elected from names submitted by the City, provided that the names submitted shall be submitted in writing by the City to the Corporation thirty days after request from the Corporation;

- (k) The Corporation agrees that at the end of the lease term, or at such earlier date that the cost of the said building and operating expenses as hereinbefore set forth are recovered, and bonds, debentures, etc., retired from the revenue produced by the said building, whichever event shall first happen, the Corporation will transfer the land and the said buildings, together with all operating machinery and equipment used in the operation of the said building, to the City, free and clear of all claims, charges and encumbrances, provided that any licenses, tenancies or occupancies which may possibly run for a term in excess of the transfer date as hereinbefore set out in this paragraph, shall receive the approval of the City before the same are entered into;
- (l) If the Corporation shall make default in any of the terms or provisions of the said lease or if the Market and Parking Building shall not be completed within the time limited, or if the same shall not be open and substantially operated as a market and parking building for any period of six successive months, then the privileges hereby granted shall be at an end and the term herein referred to terminated, and the structure or structures erected on the market square, together with all fixtures and equipment used in connection therewith shall become the property of and belong to the City without payment by the City, and free from all costs, charges, expenses, liens, encumbrances, mortgages, pledges or claims whatsoever, as fully and effectively as if the full period of thirty years had elapsed. Provided that if the non-operation of the said building arises by reason of strikes, lock-outs, fires or acts of God the calculation of the said period of six successive months shall be suspended during the time during which such causes existed;
- (m) The demised premises shall not, during the currency of the said lease be subject to municipal taxes, except for charges under *The Local Improvement Act*, which the Corporation agrees to forthwith pay as the same may fall due. Provided nothing herein shall exempt tenants from business tax;
- (n) The Corporation will at all times keep the premises insured in their full insurable value against fire, together with full supplemental coverage, and in the event of loss or damage such insurance will be applied in full to the restoration of such loss or damage;
- (o) The Corporation will offer employment to the Market Clerk and the Deputy Market Clerk at wages comparable to those now being received, excepting pension, or upon such other basis as may be mutually arranged.

11. The City shall be deemed to have an equity in the building equal to the sum of the bonds as may be retired from time to time; provided that control of the operation of the building shall not thereby be altered, nor shall any obligation upon the City be deemed to arise thereby.

12. The City undertakes that it will apply to the Legislature of the Province of Ontario for legislation validating this agreement and authorizing and empowering the parties to carry out and perform the same. This agreement shall not come into force or take effect unless and until the coming into force of such legislation.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY OF
LONDON:

A. J. RUSH,
Mayor.

(Seal)

R. H. COOPER,
Clerk.

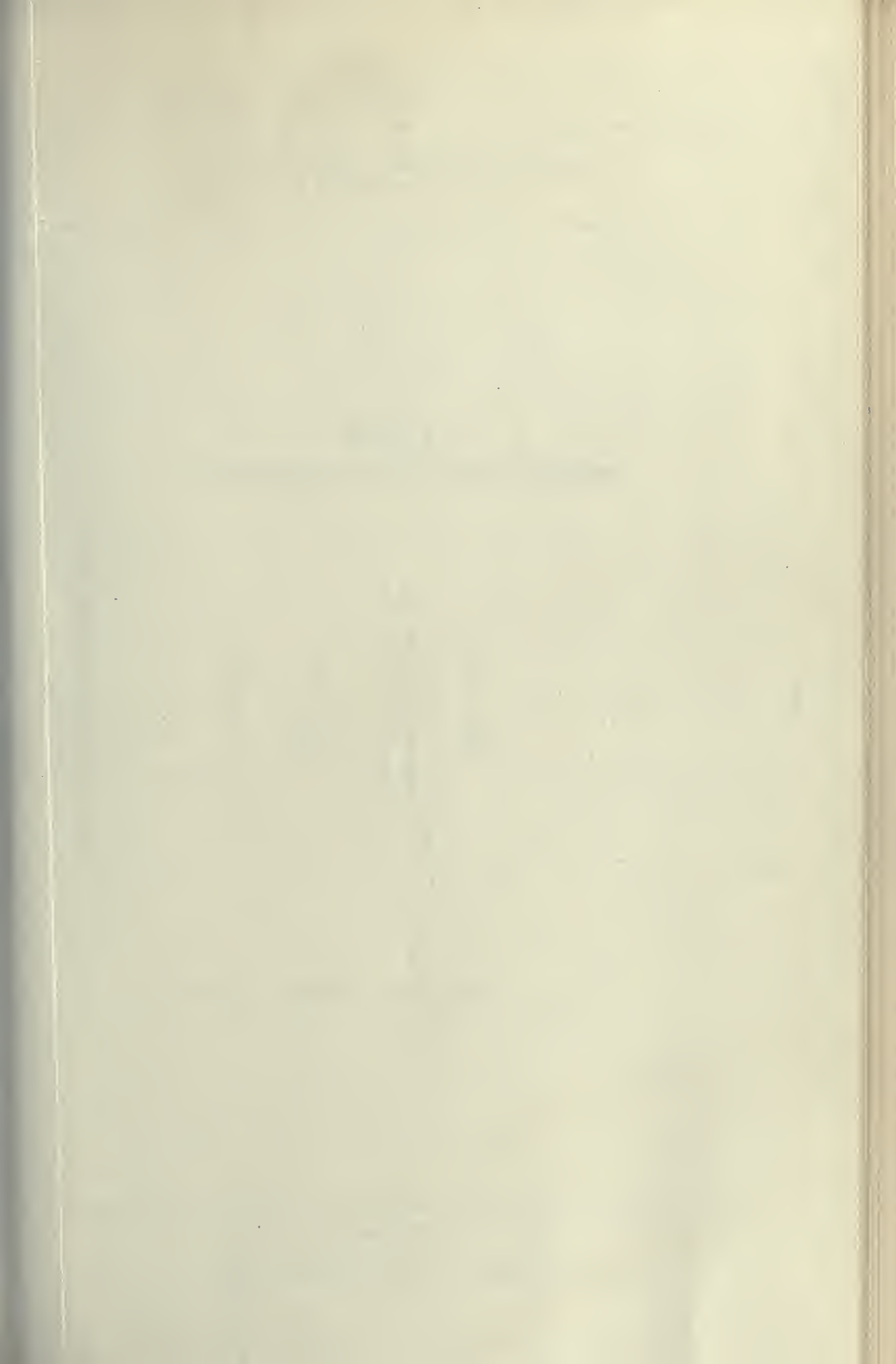
COVENT GARDEN BUILDING
INCORPORATED:

J. JEFFERY

(Seal)

JOHN A. ANDERSON

(Plans attached as Schedule "A")



BILL
An Act respecting the City of London

1st Reading

2nd Reading

3rd Reading

MR. ROBARTS (London)
(Private Bill)

No. 8

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of London

MR. ROBARTS (London)

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 8

1955

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of London is declared to be authorized and empowered, and to have been authorized and empowered, to hold, sell and dispose of surplus lands acquired in the Township of London in assembling a block of land for park purposes and to do all things necessary to sell and dispose of such lands to best advantage, including the registration of plans of subdivision. Lands in Township of London

2.—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the City of London zoned for business or industrial purposes to adjoining property owners for such consideration and upon such terms and conditions as may be agreed. Use of untravelled portions of highways

(2) The Corporation is authorized and empowered to pass idem by-laws regulating and controlling the use of such portions of highways within the City of London, including the use thereof for parking purposes.

(3) This section does not apply to the portions of any highways that are extensions or connecting links of the King's Highway. Application to provincial highways

3.—(1) The application and use by the Corporation for the general purposes of the Corporation or of any local board thereof of sinking fund surpluses, which heretofore existed in respect of by-laws the debentures under which have been paid off and retired and no other liability exists, is authorized, ratified and confirmed. Sinking fund surpluses

Order of
Municipal
Board
set aside

(2) Order No. P.F.M.-1412 of the Ontario Municipal Board made on the 22nd day of January, 1954, set forth as Schedule A hereto, and the by-law of the Corporation referred to therein are vacated and set aside, and shall be of no further force or effect. In substitution therefor the fund referred to therein and all interest and accretions thereto shall be set aside as to \$63,924.26 for public school purposes, as to \$14,035.25 for collegiate institute purposes and as to \$4,947.07 for technical school purposes, and the remainder shall be transferred to the general funds of the Corporation. All or any of such sums so set aside for educational purposes shall be paid to the Board of Education for the City of London for such purposes upon its requisition which shall in each case set forth the specific use to which the same is to be put.

Authority
to carry out
provisions

(3) The Corporation is authorized and empowered to carry out the provisions of this section notwithstanding any general or special Act and none of the penalties or liabilities provided by any Act shall apply thereto.

Proceedings
prohibited

(4) No motion, suit, action, proceeding or prosecution of any kind shall be instituted, brought, prosecuted or hereafter continued in respect of any of the matters referred to in this section, including any debenture, debenture money, sinking fund, interest, income or levy or the application, payment or disposition thereof, provided nothing herein shall apply to the enforcement of the provisions of subsection 2 hereof.

Nomination
day

4. Nomination day for municipal elections in the City of London shall hereafter be the third Wednesday before the first Monday in December in each year.

Agreement
confirmed

5. The Agreement between the Corporation and Western Fair Association bearing date the 18th day of January, 1955, set forth as Schedule B hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Agreement
confirmed

6. The Agreement between the Corporation and Covent Garden Building Association bearing date the 18th day of January, 1955, set forth as Schedule C hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

1954,
c. 115, s. 7,
subs. 1,
amended

7. Subsection 1 of section 7 of *The City of London Act, 1954* is amended by striking out the symbol and figures "\$20,000" in the third line and inserting in lieu thereof the symbol and figures "\$26,000", so that the subsection shall read as follows:

- (1) The Corporation of the City of London is empowered to expend from current revenue of the years 1954 and 1955 a sum not exceeding in all \$26,000 for the purposes of celebrating the Centennial of the City's incorporation, such expenditure to be made by the Corporation or through a company or corporation incorporated under *The Companies Act* and controlled through the council of the Corporation.

Expenditures
for
centennial

Rev. Stat.,
c. 59

8. Section 16 of *The City of London Act, 1951* is amended by adding thereto the following subsection:

1951,
c. 107, s. 16,
amended

- (2) Any lands acquired under the provisions of this section or under the provisions of *The Municipal Act* for parking purposes may be leased in whole or in part for parking purposes for periods not exceeding five years upon such terms and conditions as the council of the Corporation deems proper.

Leasing of
lots
Rev. Stat.,
c. 243

9. Section 8 of *The City of London Act, 1950* is amended by inserting after the word "throughout" in the fourth line the words "the City of London", so that the section shall read as follows:

1950,
c. 105, s. 8,
amended

8. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the City of London, the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Powers for
purposes of
L. & P.S.
Railway

10.—(1) Section 8 of *The City of London Act, 1913* is amended by striking out the words "as an electric or steam road" in the seventh line, so that the section shall read as follows:

1913, c. 103,
s. 8,
amended

8. The Corporation of the City of London, if the By-law referred to in section nine of this Act be passed, may lease The London and Port Stanley Railway from The London and Port Stanley Railway Company upon terms to be agreed upon between the said Corporation and Company, and the said Corporation may construct and equip the said railway as the Council of the said Corporation may by by-law determine, and may, if the Council of the said Corporation shall by by-law so determine, operate the said railway by a commission to be constituted as hereinafter provided.

Power to
lease London
and Port
Stanley
Railway

1913,
c. 103, s. 14,
subs. 2,
re-enacted

(2) Subsection 2 of section 14 of *The City of London Act, 1913* is repealed and the following substituted therefor:

Persons to
be appointed
as com-
missioners

(2) The persons to be appointed by the Council of the Corporation as commissioners shall be those persons who hold the office of Public Utilities Commissioners for the City of London and such persons shall hold office only so long as they hold office as Public Utilities Commissioners.

Vacancies

(3) Vacancies in the office of commissioners shall be filled forthwith by the Council of the Corporation and a commissioner appointed to fill a vacancy shall hold office for the unexpired term of the commissioner whose place has become vacant.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The City of London Act, 1955*.

SCHEDULE A

P.F.M.-1412

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-second day of February, A.D. 1954.

BEFORE:

C. F. NUNN,

—and—

W. GREENWOOD, B.Sc.,

Members.

IN THE MATTER OF Section 318 of
"The Municipal Act" (R.S.O.
1950, Chapter 243), andIN THE MATTER OF a By-law of The
Corporation of the City of London
passed on the Sixth day of July,
A.D. 1953, as Number A-3081-187
to authorize the transfer of
\$105,370.95 to the general funds of
the municipality from sinking fund
surpluses.

UPON THE APPLICATION of The Corporation of the City of London for an order approving the transfer from sinking fund surpluses by the Treasurer of the Municipality to the general funds of the Municipality of the sum of \$105,370.95, in the presence of Counsel for the Corporation and of Counsel on behalf of The Board of Education for the City of London and of Counsel on behalf of an interested group of citizens, and upon hearing the evidence adduced and what was alleged by Counsel aforesaid, and it appearing that the sum in question was made up of sinking fund surpluses standing in debenture accounts in respect of the following debentures and amounts:

Debentures issued pursuant to By-law Number 3539	
—surplus	\$ 167.56
Debentures issued pursuant to By-law Number 3703	
—surplus	488.08
Debentures issued pursuant to By-law Number 3753	
—surplus	122.27
Debentures issued pursuant to By-law Number 4098	
—surplus	1,174.47
Debentures issued pursuant to By-law Number 4295	
—surplus	6,404.37
Debentures issued pursuant to By-law Number 4296	
—surplus	6,324.68
Debentures issued pursuant to By-law Number 4297	
—surplus	5,100.45
Debentures issued pursuant to By-law Number 4504	
—surplus	3,155.22
Debentures issued pursuant to By-law Number 4791	
—surplus	1,936.20
Debentures issued pursuant to By-law Number 4793	
—surplus	23,832.17
Debentures issued pursuant to By-law Number 4946	
—surplus	30,542.76
Debentures issued pursuant to By-law Number 5026	
—surplus	2,164.68
Debentures issued pursuant to By-law Number 4792	
—surplus	1,839.31
Debentures issued pursuant to By-law Number 4802	
—surplus	12,895.20
Debentures issued pursuant to By-law Number 5024	
—surplus	3,085.72
Debentures issued pursuant to By-law Number 4918	
—surplus	6,137.81

(Seal)

Total \$105,370.95

and it appearing that the debentures issued pursuant to the said by-laws have for some time been fully paid and satisfied:

1. IT IS ORDERED that this Board do approve of the transfer by the Treasurer of The Corporation of the City of London of the said sum of \$105,370.95 to the general funds of the Municipality, as approved by the Council of The Corporation of the City of London as appears by said By-law Number A-3081-187.

2. AND IT IS FURTHER ORDERED that there be no costs of this application except as to the sum of \$10, the Board's fee now paid by The Corporation of the City of London.

"W. J. MOORE",
Vice-Chairman.

SCHEDULE B

THIS AGREEMENT made (in duplicate) this 18th day of January in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE FIRST PART,

—and—

WESTERN FAIR ASSOCIATION (hereinafter called
the Association),

OF THE SECOND PART.

WHEREAS the Association was incorporated by special Act of the Legislature of the Province of Ontario, being Chapter 89, Ontario, 1887, which has been amended from time to time by other Acts passed by the said Legislature;

AND WHEREAS the Association since its incorporation as aforesaid has conducted, from time to time, an exhibition in the City of London known as Western Fair;

AND WHEREAS the City owns certain lands within the City of London upon which are constructed buildings and other structures which are suitable for the conduct of the Western Fair, which the City has, from time to time, by license permitted the Association to use for its purposes aforesaid;

AND WHEREAS the Association owns certain lands within the City of London adjoining the lands of the City aforesaid upon which are constructed buildings and other structures suitable for the conduct of the Western Fair;

AND WHEREAS the Association is indebted to the City in the sum of \$89,000.00 with interest at $3\frac{1}{4}\%$ from the 31st day of December, 1954;

AND WHEREAS the Association claims that under and by virtue of a certain Agreement made between the parties hereto and dated the 9th day of November, 1888, the Association has an equity in the lands owned by the City as aforesaid amounting to the sum of \$8,900.00;

AND WHEREAS the Association further claims that under and by virtue of an Agreement dated the 6th day of September, 1887, made between the Association, the City and the East Middlesex Agricultural Society, therein called "the Society" whereby the Society in accordance with the terms of such Agreement became entitled to payment from the Association of the sum of \$4,000.00, the funds of the Society having been invested in the lands owned by the City as aforesaid, and such sum of \$4,000.00 having been paid by the Association to the Society as prescribed by such Agreement on or about the 19th day of May, 1947, the Association is further entitled to an equity of an additional \$4,000.00 in the lands owned by the City as aforesaid;

AND WHEREAS the City and the Association have agreed that the said indebtedness of \$89,000.00 less the aforesaid equities of the Association of \$8,900.00 and \$4,000.00 respectively applicable against the same shall be paid by the Association to the City in the manner in this Agreement prescribed;

AND WHEREAS it is deemed to be in the interest of all of the residents and ratepayers of the City of London that an annual exhibition similar to

that carried on in the past and known as the Western Fair should be conducted and that the said lands, buildings and structures be put to the further uses hereinafter set forth throughout the year and the Association is able and willing to undertake the conduct of such exhibitions and to superintend the further uses of such lands, buildings and structures;

AND WHEREAS it is deemed expedient for the City and the Association to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the City and the Association, in consideration of the covenants and agreements on behalf of each of them respectively to be observed and performed, have covenanted and agreed as follows:

1. The City shall forthwith demise and lease to the Association the lands now owned by the City upon which the Western Fair has been conducted in the past, all of which lands shall be fully and particularly described in the said lease, upon the following terms and conditions, that is to say:

- (a) The Association shall have possession and control of the said lands and premises, buildings, structures and equipment and the superintendence thereof for the following purposes and with the following rights, privileges and obligations:
 - (i) To promote, produce and hold the annual exhibition commonly known as the Western Fair and for this purpose to exclude the general public from the free use of the said lands, buildings, structures and equipment during the holding of the exhibition and for a reasonable time before and after the same for the purpose of preparing for and clearing away after the holding of the said exhibition. Such exhibition shall be of not less than six continuous days' duration and of as much greater duration as the Association may from time to time decide; provided that in the event of war or other national emergency the Association may, if it be deemed advisable so to do, refrain from conducting such an exhibition in any year so long as such emergency exists and for a period of not more than one full year after the cessation thereof; the holding of such exhibition will be prominently advertised and publicized to the end that it may bring people to the City of London to view the same and thereby promote interest in and business in the City of London; the Association shall offer to exhibitors at each such exhibition prizes having a total value of not less than \$15,000.00 and such greater amount as the Association may deem suitable from time to time.
 - (ii) Subject to the foregoing, to permit with or without charge the use of the said lands, buildings, structures and equipment for temporary exhibitions, circuses, entertainments, races and such other temporary uses of the same as may be considered proper by the Association for the entertainment, education or advancement of inhabitants of the City of London and surrounding municipalities, provided no use of the said lands shall be made or be permitted which shall in any way violate any by-law of the City now or hereafter passed.
 - (iii) To promote the use and make available to the general public, with or without an admission charge which shall be a matter to be determined by the Association, the buildings and structures for the purpose of agricultural displays and exhibitions, entertainments, sports, education and the advancement of agriculture, horticulture, and animal husbandry.
 - (iv) When the said lands are not in use for the purpose aforesaid, to permit the general public the use of the same as a public

park and recreation area; provided there shall be no right for the general public to use the buildings or structures on the premises, and the said lands, buildings and structures will be under the control of the Association.

- (b) The Association shall be entitled to erect, at its own expense upon the said lands, such buildings and other structures from time to time as it may consider necessary for its purposes and objects as the same may exist from time to time, and to enlarge, alter and remodel any existing building or structure at present erected or at any time standing upon the said lands, and also, if deemed advisable, for its purposes, to remove, wreck or demolish the same; provided always that if the erection, enlargement, alteration, or remodelling of any building shall be at a cost in excess of \$25,000.00 or if it be intended to remove, wreck, or demolish any building or structure the value of which exceeds \$10,000.00 nothing shall be done pursuant to the provisions of this paragraph without first having obtained the approval and consent of the City, to be given in writing, and subject to such terms and conditions as may be therein contained; whenever any such building or structure is erected, enlarged, altered or remodelled the whole shall be the property of the City without remuneration to the Association.
- (c) The Association shall, at all times, at its own expense, keep all buildings, structures, equipment and improvements upon the said lands from time to time in a proper and reasonable state of repair, condition and appearance, and shall maintain the grounds in proper condition to the satisfaction of the City. Provided, however, that the City shall at its own expense maintain and keep in repair the streets and roadways throughout the grounds, and a lighting system as would be usual for park purposes only, and all curbs, gutters, pavements, storm and sanitary sewers (but not private drain connections) and watermains and shall maintain that part of the grounds comprising the front portion thereof originally known as Queen's Park (and which is that part roughly lying north of the Manufacturers' Building) in such manner as it may in its sole discretion consider proper.
- (d) There shall be maintained at all times upon the buildings and structures insurance against loss by fire or other casualty and insurance protecting both parties to this agreement against all public liability, such insurance to be placed by the City at its own expense. In the event of damage to the buildings or structures by fire or other casualty, exceeding in value the sum of \$25,000.00, the proceeds of such insurance shall be paid to the City but with the City's approval and consent may be made available to the Association for the purpose of rebuilding damaged buildings or structures or constructing other buildings or structures upon the demised lands, and if the damage shall not exceed \$25,000.00 the proceeds of such insurance shall be made available to the Association as the damaged buildings or structures are repaired or reconstructed.
- (e) The Association shall pay to the City the annual sum of \$5.00 payable at the beginning of each year of the said term in advance.
- (f) Such lease shall include the provisions of *The Short Forms of Leases Act*, save as herein varied or as may not be inconsistent herewith, and such lease shall be in a form approved by the Solicitor for the City and for the Association; such lease shall provide that the Association shall pay all taxes now or hereafter assessed against such lands.
- (g) The term of the said lease shall be for a period of 20 years dating from the time the lease is entered into, and renewable if so mutually agreed upon, and upon such terms and conditions as may be determined.

2. The Association shall not erect any buildings on those parts of York Street, King Street and Ontario Street, closed under the provisions of By-law No. S-115-33, without the prior approval in writing of the City and such portions of such streets are hereby declared to be the sole property of the City.

3. That the agreement between the City and the Association, dated February 8, 1950, is hereby rescinded and declared to be of no force or effect.

4. The Association covenants with the City to repay to the City the sum of \$89,000.00 indebtedness hereinbefore referred to on account of the principal amount of which the sum of \$12,900.00 aggregating the equities of the Association in the lands owned by the City as hereinbefore referred to shall be applied leaving a principal balance of \$76,100.00 which shall bear interest from the 31st day of December, 1954, at the rate of $3\frac{1}{4}\%$ per annum calculated from that date and payable yearly, and the balance of the principal amount of such indebtedness, namely the said sum of \$76,100.00 shall be paid in the manner following, that is to say, namely: \$4,100.00 upon the execution of this Agreement and \$4,000.00 upon the 31st day of December in each year until the said indebtedness shall have become fully paid and satisfied. The Association shall, if demanded, secure the repayment of the said sum and the interest thereon by First Mortgage in long form to be approved by the solicitor for the City upon the lands now owned by the Association or in any way held in trust for it or in which it may be interested as well as upon the interest of the Association in the said lease if and when executed.

5. Paragraphs 3 and 4 of this Agreement shall be effective forthwith, but the remainder thereof shall not come into force or take effect or be binding upon the parties, unless and until the parties hereto shall be authorized and empowered by a new Act of the Legislature of Ontario to enter into and carry out the terms and conditions hereof; and upon such authorization and power being granted, and becoming effective, such provisions hereof shall come into force and take effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal) ANNA COOMBS

ANNA COOMBS

THE CORPORATION OF THE CITY OF LONDON

(Seal) A. J. RUSH, *Mayor.*
R. H. COOPER, *Clerk.*

WESTERN FAIR ASSOCIATION

(Seal) I. B. WHALE, *President.*
W. D. JACKSON, *Manager.*

SCHEDULE C

THIS AGREEMENT made this 18th day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City),

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a corporation formed under the laws of the Province of Ontario, and having its head office in the City of London, in the Province of Ontario (hereinafter called the Corporation),

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, section 3, subsection (1) as amended by *The City of London Act, 1954*, section 6, subsection (1) provides as follows:

"3. (1) Without limiting any of the powers of the Corporation, the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper;

- (e) to lease any or all of the Market Square for a period not exceeding thirty years to a private, non-profit corporation formed by local business men for the purpose of erecting thereon a combined Market and Parking Building at no cost to the corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the building and operating expenses are recovered from the revenue therefrom, whichever shall first happen."

AND WHEREAS the Corporation has been incorporated as a private corporation under the laws of the Province of Ontario, the Directors and Members of which are nine local businessmen;

AND WHEREAS "Market Square" in this agreement comprises lands and premises in the said City of London described as follows: Being composed of Lots Numbers Fifteen, Fourteen, Thirteen and part of Twelve (and being parts of Lots A, B, One, Two, Seven and Eight as shown on Plan registered as Number 160) on the north side of King Street and parts of Lots Numbers Fifteen, Fourteen, Thirteen and Twelve, south Dundas Street, in the said City of London, more particularly described as follows: Commencing at the intersection of the northerly limit of King Street with the easterly limit of Talbot Street; thence easterly along the northerly limit of King Street, four hundred point eight feet to a point; thence northerly parallel to the easterly limit of Talbot Street, two hundred and one feet, ten inches; thence westerly parallel to the northerly limit of King Street, four hundred point eight feet, more or less, to the easterly limit of Talbot Street; and thence southerly along the easterly limit of Talbot Street, two hundred and one feet, ten inches, more or less, to the place of beginning;

AND WHEREAS the Corporation is desirous of erecting on the market square, in the said City of London, a Market and Parking Building, without cost to the City, and to provide that the said building shall be given to the City, without charge and free from all encumbrances, at the end of thirty years, or at such earlier date as the cost of the building and operating expenses are recovered, as herein more particularly provided;

AND WHEREAS for such purpose the Corporation is desirous of procuring from the City a lease of the said market square;

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises each of the parties hereto, for themselves, their successors and assigns, covenant and agree as follows:

1. The Corporation covenants that it is a non-profit corporation formed under Part III of *The Corporations Act, 1953* the Members of which are all business men of the City of London and are as follows: W. E. Mara, J. A. Anderson, W. H. McCrae, Paul Smith, E. V. Ripplingille, Jr., Isaac Siskind, C. E. Isard, W. E. Young and Joseph Jefferv, which said Members, and two Council Members to be appointed, are all the Directors of the Corporation.

2. The City agrees that upon the execution of this agreement the City will contract with no licensee, tenant, occupant or other person for occupation of any part of the market square beyond an occupancy of monthly duration.

3. The City agrees to give possession of the market square to the Corporation, subject to any unexpired tenancies—

- (a) When the Corporation tenders evidence to the satisfaction of the Council of the City that the financing of the said building is substantially completed, and

- (b) Upon the Corporation delivering to the City a bond securing the due completion of the building at the time and in the manner provided herein, said bond to be in the amount of fifty per cent of the contract price for completion of the building and equipment, in a form approved by the solicitor of the City, and
- (c) Upon the execution by the Corporation of the lease herein referred to.

If the Corporation shall not comply with the provisions of this section within six months of this agreement coming into effect, this agreement shall be of no further force or effect.

4. Upon compliance with the provisions of section 3 (a), (b), and (c) the City agrees to proceed to terminate all licenses, tenancies and other rights of the present occupants of the market square.

5. The Corporation agrees that on obtaining possession of the market square, it will raze and tear down, at its own expense, the buildings now on the market square, save the structure known as "Chancey Smith's" and the market parking office which is the property of the City, and will construct thereon a Market and Parking Building substantially in accordance with the plans drawn by the Engineer of the Corporation, which plans are attached hereto as schedule "A" and initialled by the proper officers of the parties hereto, and as may be altered by mutual agreement. Road and sidewalk grades shall be approved by the City Engineer.

6. The City agrees that the Corporation shall retain and convert to its own use the salvage obtained from the buildings razed and torn down as provided in the preceding paragraph hereof, provided that the buildings hereinbefore referred to shall not include the market parking office or the structure known as "Chancey Smith's", in respect of which the City shall forthwith, on the Corporation's compliance with Section 3, give notice to remove.

7. The Corporation agrees that the Market and Parking Building to be erected shall be completed eighteen months after the date when possession of the market square is given to the Corporation, provided that in the event of strikes, lockouts, fire, unavoidable delay by common carriers, or unavoidable casualties or acts of God the time for completion shall be extended for a time equivalent to that of the delay occasioned by such causes. The Corporation agrees that any construction contracts let with regard to construction or repair of the said building shall contain the usual local labour clauses.

8. The Corporation agrees not to remove or alter the location of any sewer, wire, cable or other utility during the construction of the said building without the consent, in writing, of the City; such work to be done without expense to the City or of The Public Utilities Commission thereof. The Corporation will arrange for the movement of the cable or cables of The Bell Telephone Company without expense to the City. The Corporation will pay for work necessitated by the construction of the building for curb and gutter and sidewalk on Talbot and King Streets, sidewalks, curb and gutter on the north and east sides of the building. The cost of grading and paving fire lane and Temple Street will be shared as to one-half by each of the parties hereto.

9. The City agrees to grant, and the Corporation agrees to lease, the market square for the term of thirty years from the date of delivery of possession of the said market square at the yearly rental of Ten thousand dollars, payable in equal quarterly payments, the first payment to be three months after the execution of the said lease, and the payment for the last quarter of the term to be made one month prior to the expiration of the lease or prior to its termination. The lease is to be drawn in accordance with this agreement, and shall contain the provisions of *The Short Forms of Leases Act*, and the covenants hereinafter contained.

10. The following clauses shall be deemed to be terms of this agreement and shall also be incorporated in the lease to be given pursuant to the terms hereof:

- (a) Upon the completion of the construction of the Market and Parking Building the Corporation agrees to operate the said building in a proper and businesslike manner for such purposes and at its own expense;
- (b) That part of the building to be known and designated as the parking area shall be used only for that purpose and the Corporation shall have the sole right to set the fee or charge for parking in the said area, and the manner in which and by which cars and vehicles of all descriptions may be parked and stored in the said area;
- (c) That part of the said building known as the Market area shall be used only for that purpose and the Corporation shall fix the rental for areas to be occupied by dealers and shall generally control the facilities for and the manner in which goods, wares, and merchandise may be sold, provided that the Corporation shall be subject to reasonable rules and regulations of the City designed for the comfort and protection of the public and to assure that such area is made available for the usual market purposes;
- (d) When either area is not in demand for the designated purposes such purposes may be interchanged;
- (e) The Corporation shall provide, equip and maintain within the area so marked on the said plans and specifications marked as Schedule "A" a comfort station comprising separate toilet and washing facilities for men and women; such facilities to be available for public use generally during such days and hours as are now maintained by the City for its comfort station. The Corporation will, at all times, at its own expense, properly heat the same and keep the same clean and in good order, all to the satisfaction of the City Engineer or The Department of Health of the City of London;
- (f) The Corporation agrees that no revenue received by the Corporation from the operation of the said building shall be expended for any other purpose than for the necessary operational expenses, repairs, improvements, etc., of the building and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for such building. Any surpluses shall be used for the said purposes and no dividends shall be paid. If at the time of turning over the building to the City any surpluses exist, the same shall be paid to the City after providing for debts and the cost of winding up the Corporation;
- (g) The Corporation agrees that no fees, wages or salaries shall be paid to the Directors or officers of the Corporation as Directors or officers, and that wages and salaries paid by the Corporation shall be reasonable and be paid only to those persons actually engaged in the maintenance and operation of the said building;
- (h) It is understood and agreed by the parties hereto that all proper charges for physical properties for the said building, legal fees, engineering fees, auditing and accounting fees and fees incurred in the financing of the Corporation shall be proper expenditures for the construction or operation of the building;
- (i) The Corporation agrees that it will provide the City with an annual statement of income and expenditure, a balance sheet and that the City will have free access to the books of the Corporation for its servants, agents, employees or auditors for the purpose of examination at all reasonable times;
- (j) The Corporation agrees that two Directors of the Corporation shall be elected from names submitted by the City, provided that the names submitted shall be submitted in writing by the City to the Corporation thirty days after request from the Corporation;

- (k) The Corporation agrees that at the end of the lease term, or at such earlier date that the cost of the said building and operating expenses as hereinbefore set forth are recovered, and bonds, debentures, etc., retired from the revenue produced by the said building, whichever event shall first happen, the Corporation will transfer the land and the said buildings, together with all operating machinery and equipment used in the operation of the said building, to the City, free and clear of all claims, charges and encumbrances, provided that any licenses, tenancies or occupancies which may possibly run for a term in excess of the transfer date as hereinbefore set out in this paragraph, shall receive the approval of the City before the same are entered into;
 - (l) If the Corporation shall make default in any of the terms or provisions of the said lease or if the Market and Parking Building shall not be completed within the time limited, or if the same shall not be open and substantially operated as a market and parking building for any period of six successive months, then the privileges hereby granted shall be at an end and the term herein referred to terminated, and the structure or structures erected on the market square, together with all fixtures and equipment used in connection therewith shall become the property of and belong to the City without payment by the City, and free from all costs, charges, expenses, liens, encumbrances, mortgages, pledges or claims whatsoever, as fully and effectively as if the full period of thirty years had elapsed. Provided that if the non-operation of the said building arises by reason of strikes, lock-outs, fires or acts of God the calculation of the said period of six successive months shall be suspended during the time during which such causes existed;
 - (m) The demised premises shall not, during the currency of the said lease be subject to municipal taxes, except for charges under *The Local Improvement Act*, which the Corporation agrees to forthwith pay as the same may fall due. Provided nothing herein shall exempt tenants from business tax;
 - (n) The Corporation will at all times keep the premises insured in their full insurable value against fire, together with full supplemental coverage, and in the event of loss or damage such insurance will be applied in full to the restoration of such loss or damage;
 - (o) The Corporation will offer employment to the Market Clerk and the Deputy Market Clerk at wages comparable to those now being received, excepting pension, or upon such other basis as may be mutually arranged.
11. The City shall be deemed to have an equity in the building equal to the sum of the bonds as may be retired from time to time; provided that control of the operation of the building shall not thereby be altered, nor shall any obligation upon the City be deemed to arise thereby.
12. The City undertakes that it will apply to the Legislature of the Province of Ontario for legislation validating this agreement and authorizing and empowering the parties to carry out and perform the same. This agreement shall not come into force or take effect unless and until the coming into force of such legislation.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY OF
LONDON:

A. J. RUSH,
Mayor.

(Seal)

R. H. COOPER,
Clerk.

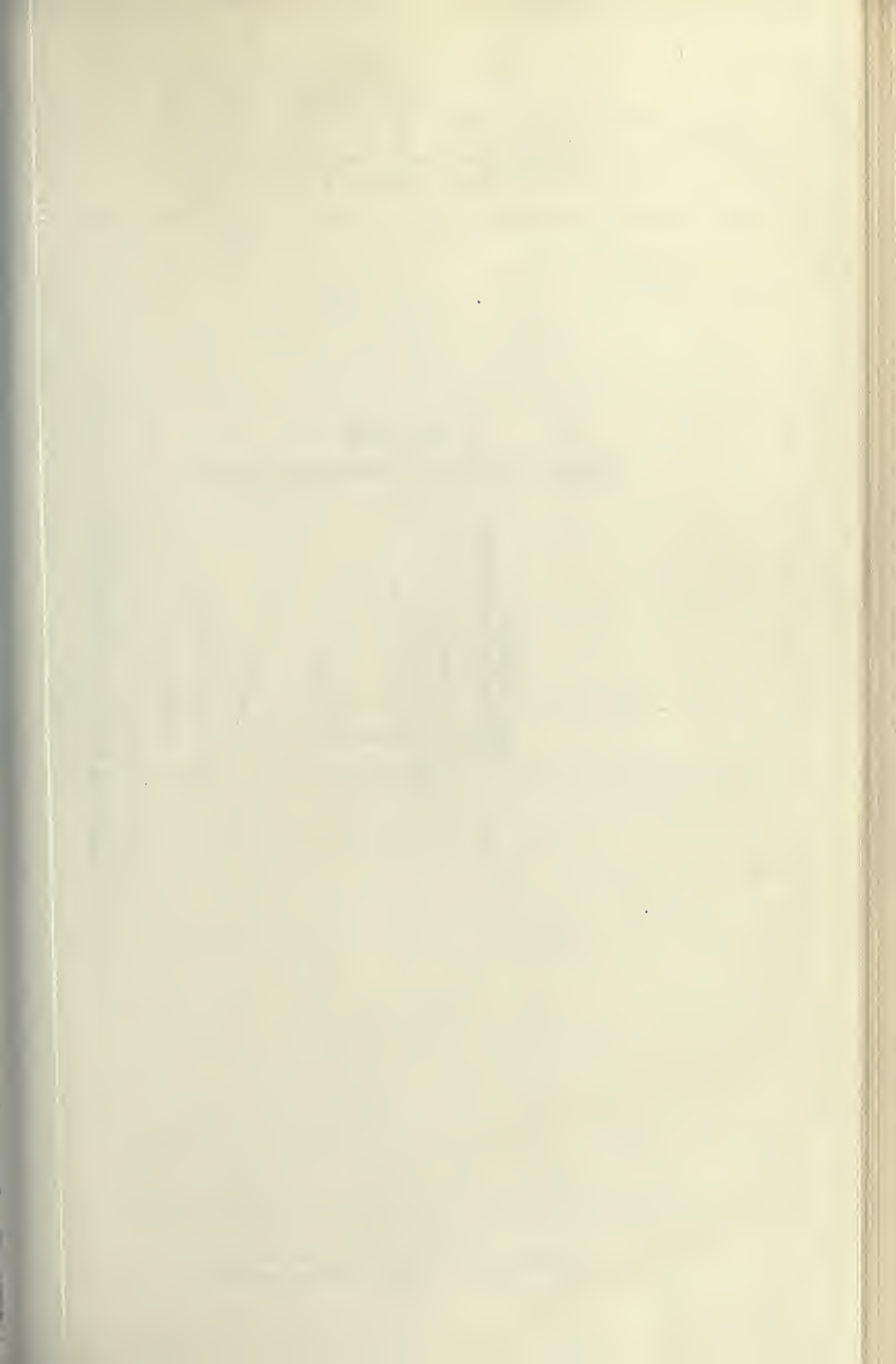
COVENT GARDEN BUILDING
INCORPORATED:

J. JEFFERY

(Seal)

JOHN A. ANDERSON

(Plans attached as Schedule "A")



BILL

An Act respecting the City of London

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. ROBARTS (London)

*(Reprinted as amended by the Committee
on Private Bills)*

No. 8

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the City of London

MR. ROBERTS (London)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 8

1955

BILL

An Act respecting the City of London

WHEREAS The Corporation of the City of London Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Corporation of the City of London is declared to be
authorized and empowered, and to have been authorized and
empowered, to hold, sell and dispose of surplus lands acquired Lands in
Township
of London
in the Township of London in assembling a block of land for
park purposes and to do all things necessary to sell and dispose
of such lands to best advantage, including the registration of
plans of subdivision.

2.—(1) The Corporation is authorized and empowered to
lease or license the use of untravelled portions of highways Use of
untravelled
portions of
highways
within those portions of the City of London zoned for business
or industrial purposes to adjoining property owners for such
consideration and upon such terms and conditions as may be
agreed.

(2) The Corporation is authorized and empowered to pass Idem
by-laws regulating and controlling the use of such portions of
highways within the City of London, including the use thereof
for parking purposes.

(3) This section does not apply to the portions of any Application
to provincial
highways
highways that are extensions or connecting links of the King's
Highway.

3.—(1) The application and use by the Corporation for Sinking
fund
surpluses
the general purposes of the Corporation or of any local board
thereof of sinking fund surpluses, which heretofore existed in
respect of by-laws the debentures under which have been
paid off and retired and no other liability exists, is authorized,
ratified and confirmed.

Order of
Municipal
Board
set aside

(2) Order No. P.F.M.-1412 of the Ontario Municipal Board made on the 22nd day of January, 1954, set forth as Schedule A hereto, and the by-law of the Corporation referred to therein are vacated and set aside, and shall be of no further force or effect. In substitution therefor the fund referred to therein and all interest and accretions thereto shall be set aside as to \$63,924.26 for public school purposes, as to \$14,035.25 for collegiate institute purposes and as to \$4,947.07 for technical school purposes, and the remainder shall be transferred to the general funds of the Corporation. All or any of such sums so set aside for educational purposes shall be paid to the Board of Education for the City of London for such purposes upon its requisition which shall in each case set forth the specific use to which the same is to be put.

Authority
to carry out
provisions

(3) The Corporation is authorized and empowered to carry out the provisions of this section notwithstanding any general or special Act and none of the penalties or liabilities provided by any Act shall apply thereto.

Proceedings
prohibited

(4) No motion, suit, action, proceeding or prosecution of any kind shall be instituted, brought, prosecuted or hereafter continued in respect of any of the matters referred to in this section, including any debenture, debenture money, sinking fund, interest, income or levy or the application, payment or disposition thereof, provided nothing herein shall apply to the enforcement of the provisions of subsection 2 hereof.

Nomination
day

4. Nomination day for municipal elections in the City of London shall hereafter be the third Wednesday before the first Monday in December in each year.

Agreement
confirmed

5. The Agreement between the Corporation and Western Fair Association bearing date the 18th day of January, 1955, set forth as Schedule B hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

Agreement
confirmed

6. The Agreement between the Corporation and Covent Garden Building Association bearing date the 18th day of January, 1955, set forth as Schedule C hereto, is ratified and confirmed and the parties thereto are authorized and empowered to carry out the terms thereof.

1954,
c. 115, s. 7,
subs. 1,
amended

7. Subsection 1 of section 7 of *The City of London Act, 1954* is amended by striking out the symbol and figures "\$20,000" in the third line and inserting in lieu thereof the symbol and figures "\$26,000", so that the subsection shall read as follows:

- (1) The Corporation of the City of London is empowered to expend from current revenue of the years 1954 and 1955 a sum not exceeding in all \$26,000 for the purposes of celebrating the Centennial of the City's incorporation, such expenditure to be made by the Corporation or through a company or corporation incorporated under *The Companies Act* and controlled through the council of the Corporation.

Expenditures
for
centennial

Rev. Stat.,
c. 59

8. Section 16 of *The City of London Act, 1951* is amended by adding thereto the following subsection:

1951,
c. 107, s. 16,
amended

- (2) Any lands acquired under the provisions of this section or under the provisions of *The Municipal Act* for parking purposes may be leased in whole or in part for parking purposes for periods not exceeding five years upon such terms and conditions as the council of the Corporation deems proper.

Leasing of
lots
Rev. Stat.,
c. 243

9. Section 8 of *The City of London Act, 1950* is amended by inserting after the word "throughout" in the fourth line the words "the City of London", so that the section shall read as follows:

1950,
c. 105, s. 8,
amended

8. The Corporation of the City of London is hereby authorized and empowered and declared to have had the authority and power to acquire, use, hold and dispose of lands, premises, buildings and equipment throughout the City of London, the County of Middlesex and the County of Elgin for the purposes of or in any way used in connection with the operation of The London & Port Stanley Railway or the advancement of the business thereof.

Powers for
purposes of
L. & P.S.
Railway

10.—(1) Section 8 of *The City of London Act, 1913* is amended by striking out the words "as an electric or steam road" in the seventh line, so that the section shall read as follows:

1913, c. 103,
s. 8,
amended

8. The Corporation of the City of London, if the By-law referred to in section nine of this Act be passed, may lease The London and Port Stanley Railway from The London and Port Stanley Railway Company upon terms to be agreed upon between the said Corporation and Company, and the said Corporation may construct and equip the said railway as the Council of the said Corporation may by by-law determine, and may, if the Council of the said Corporation shall by by-law so determine, operate the said railway by a commission to be constituted as hereinafter provided.

Power to
lease London
and Port
Stanley
Railway

1913,
c. 103, s. 14,
subs. 2,
re-enacted

(2) Subsection 2 of section 14 of *The City of London Act, 1913* is repealed and the following substituted therefor:

Persons to
be appointed
as com-
missioners

(2) The persons to be appointed by the Council of the Corporation as commissioners shall be those persons who hold the office of Public Utilities Commissioners for the City of London and such persons shall hold office only so long as they hold office as Public Utilities Commissioners.

Vacancies

(3) Vacancies in the office of commissioners shall be filled forthwith by the Council of the Corporation and a commissioner appointed to fill a vacancy shall hold office for the unexpired term of the commissioner whose place has become vacant.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The City of London Act, 1955*.

SCHEDULE A

P.F.M.-1412

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-second day of February, A.D. 1954.

BEFORE:

C. F. NUNN,

—and—

W. GREENWOOD, B.Sc.,

Members.

IN THE MATTER OF Section 318 of
"The Municipal Act" (R.S.O.
1950, Chapter 243), andIN THE MATTER OF a By-law of The
Corporation of the City of London
passed on the Sixth day of July,
A.D. 1953, as Number A-3081-187
to authorize the transfer of
\$105,370.95 to the general funds of
the municipality from sinking fund
surpluses.

UPON THE APPLICATION of The Corporation of the City of London for an order approving the transfer from sinking fund surpluses by the Treasurer of the Municipality to the general funds of the Municipality of the sum of \$105,370.95, in the presence of Counsel for the Corporation and of Counsel on behalf of The Board of Education for the City of London and of Counsel on behalf of an interested group of citizens, and upon hearing the evidence adduced and what was alleged by Counsel aforesaid, and it appearing that the sum in question was made up of sinking fund surpluses standing in debenture accounts in respect of the following debentures and amounts:

Debentures issued pursuant to By-law Number 3539	
—surplus.....	\$ 167.56
Debentures issued pursuant to By-law Number 3703	
—surplus.....	488.08
Debentures issued pursuant to By-law Number 3753	
—surplus.....	122.27
Debentures issued pursuant to By-law Number 4098	
—surplus.....	1,174.47
Debentures issued pursuant to By-law Number 4295	
—surplus.....	6,404.37
Debentures issued pursuant to By-law Number 4296	
—surplus.....	6,324.68
Debentures issued pursuant to By-law Number 4297	
—surplus.....	5,100.45
Debentures issued pursuant to By-law Number 4504	
—surplus.....	3,155.22
Debentures issued pursuant to By-law Number 4791	
—surplus.....	1,936.20
Debentures issued pursuant to By-law Number 4793	
—surplus.....	23,832.17
Debentures issued pursuant to By-law Number 4946	
—surplus.....	30,542.76
Debentures issued pursuant to By-law Number 5026	
—surplus.....	2,164.68
Debentures issued pursuant to By-law Number 4792	
—surplus.....	1,839.31
Debentures issued pursuant to By-law Number 4802	
—surplus.....	12,895.20
Debentures issued pursuant to By-law Number 5024	
—surplus.....	3,085.72
Debentures issued pursuant to By-law Number 4918	
—surplus.....	6,137.81

(Seal)

Total..... \$105,370.95

and it appearing that the debentures issued pursuant to the said by-laws have for some time been fully paid and satisfied:

1. IT IS ORDERED that this Board do approve of the transfer by the Treasurer of The Corporation of the City of London of the said sum of \$105,370.95 to the general funds of the Municipality, as approved by the Council of The Corporation of the City of London as appears by said By-law Number A-3081-187.

2. AND IT IS FURTHER ORDERED that there be no costs of this application except as to the sum of \$10, the Board's fee now paid by The Corporation of the City of London.

"W. J. MOORE",
Vice-Chairman.

SCHEDULE B

THIS AGREEMENT made (in duplicate) this 18th day of January in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City),

OF THE FIRST PART,

—and—

WESTERN FAIR ASSOCIATION (hereinafter called
the Association),

OF THE SECOND PART.

WHEREAS the Association was incorporated by special Act of the Legislature of the Province of Ontario, being Chapter 89, Ontario, 1887, which has been amended from time to time by other Acts passed by the said Legislature;

AND WHEREAS the Association since its incorporation as aforesaid has conducted, from time to time, an exhibition in the City of London known as Western Fair;

AND WHEREAS the City owns certain lands within the City of London upon which are constructed buildings and other structures which are suitable for the conduct of the Western Fair, which the City has, from time to time, by license permitted the Association to use for its purposes aforesaid;

AND WHEREAS the Association owns certain lands within the City of London adjoining the lands of the City aforesaid upon which are constructed buildings and other structures suitable for the conduct of the Western Fair;

AND WHEREAS the Association is indebted to the City in the sum of \$89,000.00 with interest at 3¼% from the 31st day of December, 1954;

AND WHEREAS the Association claims that under and by virtue of a certain Agreement made between the parties hereto and dated the 9th day of November, 1888, the Association has an equity in the lands owned by the City as aforesaid amounting to the sum of \$8,900.00;

AND WHEREAS the Association further claims that under and by virtue of an Agreement dated the 6th day of September, 1887, made between the Association, the City and the East Middlesex Agricultural Society, therein called "the Society" whereby the Society in accordance with the terms of such Agreement became entitled to payment from the Association of the sum of \$4,000.00, the funds of the Society having been invested in the lands owned by the City as aforesaid, and such sum of \$4,000.00 having been paid by the Association to the Society as prescribed by such Agreement on or about the 19th day of May, 1947, the Association is further entitled to an equity of an additional \$4,000.00 in the lands owned by the City as aforesaid;

AND WHEREAS the City and the Association have agreed that the said indebtedness of \$89,000.00 less the aforesaid equities of the Association of \$8,900.00 and \$4,000.00 respectively applicable against the same shall be paid by the Association to the City in the manner in this Agreement prescribed;

AND WHEREAS it is deemed to be in the interest of all of the residents and ratepayers of the City of London that an annual exhibition similar to

that carried on in the past and known as the Western Fair should be conducted and that the said lands, buildings and structures be put to the further uses hereinafter set forth throughout the year and the Association is able and willing to undertake the conduct of such exhibitions and to superintend the further uses of such lands, buildings and structures;

AND WHEREAS it is deemed expedient for the City and the Association to enter into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the City and the Association, in consideration of the covenants and agreements on behalf of each of them respectively to be observed and performed, have covenanted and agreed as follows:

1. The City shall forthwith demise and lease to the Association the lands now owned by the City upon which the Western Fair has been conducted in the past, all of which lands shall be fully and particularly described in the said lease, upon the following terms and conditions, that is to say:

- (a) The Association shall have possession and control of the said lands and premises, buildings, structures and equipment and the superintendence thereof for the following purposes and with the following rights, privileges and obligations:
 - (i) To promote, produce and hold the annual exhibition commonly known as the Western Fair and for this purpose to exclude the general public from the free use of the said lands, buildings, structures and equipment during the holding of the exhibition and for a reasonable time before and after the same for the purpose of preparing for and clearing away after the holding of the said exhibition. Such exhibition shall be of not less than six continuous days' duration and of as much greater duration as the Association may from time to time decide; provided that in the event of war or other national emergency the Association may, if it be deemed advisable so to do, refrain from conducting such an exhibition in any year so long as such emergency exists and for a period of not more than one full year after the cessation thereof; the holding of such exhibition will be prominently advertised and publicized to the end that it may bring people to the City of London to view the same and thereby promote interest in and business in the City of London; the Association shall offer to exhibitors at each such exhibition prizes having a total value of not less than \$15,000.00 and such greater amount as the Association may deem suitable from time to time.
 - (ii) Subject to the foregoing, to permit with or without charge the use of the said lands, buildings, structures and equipment for temporary exhibitions, circuses, entertainments, races and such other temporary uses of the same as may be considered proper by the Association for the entertainment, education or advancement of inhabitants of the City of London and surrounding municipalities, provided no use of the said lands shall be made or be permitted which shall in any way violate any by-law of the City now or hereafter passed.
 - (iii) To promote the use and make available to the general public, with or without an admission charge which shall be a matter to be determined by the Association, the buildings and structures for the purpose of agricultural displays and exhibitions, entertainments, sports, education and the advancement of agriculture, horticulture, and animal husbandry.
 - (iv) When the said lands are not in use for the purpose aforesaid, to permit the general public the use of the same as a public

park and recreation area; provided there shall be no right for the general public to use the buildings or structures on the premises, and the said lands, buildings and structures will be under the control of the Association.

- (b) The Association shall be entitled to erect, at its own expense upon the said lands, such buildings and other structures from time to time as it may consider necessary for its purposes and objects as the same may exist from time to time, and to enlarge, alter and remodel any existing building or structure at present erected or at any time standing upon the said lands, and also, if deemed advisable, for its purposes, to remove, wreck or demolish the same; provided always that if the erection, enlargement, alteration, or remodelling of any building shall be at a cost in excess of \$25,000.00 or if it be intended to remove, wreck, or demolish any building or structure the value of which exceeds \$10,000.00 nothing shall be done pursuant to the provisions of this paragraph without first having obtained the approval and consent of the City, to be given in writing, and subject to such terms and conditions as may be therein contained; whenever any such building or structure is erected, enlarged, altered or remodelled the whole shall be the property of the City without remuneration to the Association.
- (c) The Association shall, at all times, at its own expense, keep all buildings, structures, equipment and improvements upon the said lands from time to time in a proper and reasonable state of repair, condition and appearance, and shall maintain the grounds in proper condition to the satisfaction of the City. Provided, however, that the City shall at its own expense maintain and keep in repair the streets and roadways throughout the grounds, and a lighting system as would be usual for park purposes only, and all curbs, gutters, pavements, storm and sanitary sewers (but not private drain connections) and watermains and shall maintain that part of the grounds comprising the front portion thereof originally known as Queen's Park (and which is that part roughly lying north of the Manufacturers' Building) in such manner as it may in its sole discretion consider proper.
- (d) There shall be maintained at all times upon the buildings and structures insurance against loss by fire or other casualty and insurance protecting both parties to this agreement against all public liability, such insurance to be placed by the City at its own expense. In the event of damage to the buildings or structures by fire or other casualty, exceeding in value the sum of \$25,000.00, the proceeds of such insurance shall be paid to the City but with the City's approval and consent may be made available to the Association for the purpose of rebuilding damaged buildings or structures or constructing other buildings or structures upon the demised lands, and if the damage shall not exceed \$25,000.00 the proceeds of such insurance shall be made available to the Association as the damaged buildings or structures are repaired or reconstructed.
- (e) The Association shall pay to the City the annual sum of \$5.00 payable at the beginning of each year of the said term in advance.
- (f) Such lease shall include the provisions of *The Short Forms of Leases Act*, save as herein varied or as may not be inconsistent herewith, and such lease shall be in a form approved by the Solicitor for the City and for the Association; such lease shall provide that the Association shall pay all taxes now or hereafter assessed against such lands.
- (g) The term of the said lease shall be for a period of 20 years dating from the time the lease is entered into, and renewable if so mutually agreed upon, and upon such terms and conditions as may be determined.

2. The Association shall not erect any buildings on those parts of York Street, King Street and Ontario Street, closed under the provisions of By-law No. S-115-33, without the prior approval in writing of the City and such portions of such streets are hereby declared to be the sole property of the City.

3. That the agreement between the City and the Association, dated February 8, 1950, is hereby rescinded and declared to be of no force or effect.

4. The Association covenants with the City to repay to the City the sum of \$89,000.00 indebtedness hereinbefore referred to on account of the principal amount of which the sum of \$12,900.00 aggregating the equities of the Association in the lands owned by the City as hereinbefore referred to shall be applied leaving a principal balance of \$76,100.00 which shall bear interest from the 31st day of December, 1954, at the rate of $3\frac{1}{4}\%$ per annum calculated from that date and payable yearly, and the balance of the principal amount of such indebtedness, namely the said sum of \$76,100.00 shall be paid in the manner following, that is to say, namely: \$4,100.00 upon the execution of this Agreement and \$4,000.00 upon the 31st day of December in each year until the said indebtedness shall have become fully paid and satisfied. The Association shall, if demanded, secure the repayment of the said sum and the interest thereon by First Mortgage in long form to be approved by the solicitor for the City upon the lands now owned by the Association or in any way held in trust for it or in which it may be interested as well as upon the interest of the Association in the said lease if and when executed.

5. Paragraphs 3 and 4 of this Agreement shall be effective forthwith, but the remainder thereof shall not come into force or take effect or be binding upon the parties, unless and until the parties hereto shall be authorized and empowered by a new Act of the Legislature of Ontario to enter into and carry out the terms and conditions hereof; and upon such authorization and power being granted, and becoming effective, such provisions hereof shall come into force and take effect.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their corporate seals attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal) ANNA COOMBS

ANNA COOMBS

THE CORPORATION OF THE CITY OF LONDON

(Seal) A. J. RUSH, *Mayor.*
R. H. COOPER, *Clerk.*

WESTERN FAIR ASSOCIATION

(Seal) I. B. WHALE, *President.*
W. D. JACKSON, *Manager.*

SCHEDULE C

THIS AGREEMENT made this 18th day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City),

OF THE FIRST PART,

—and—

COVENT GARDEN BUILDING INCORPORATED, a corporation formed under the laws of the Province of Ontario, and having its head office in the City of London, in the Province of Ontario (hereinafter called the Corporation),

OF THE SECOND PART.

WHEREAS *The City of London Act, 1952*, section 3, subsection (1) as amended by *The City of London Act, 1954*, section 6, subsection (1) provides as follows:

"3. (1) Without limiting any of the powers of the Corporation, the Council of the Corporation is authorized and empowered to pass by-laws, with the approval of the Ontario Municipal Board, for all or any of the following purposes:

- (a) to rent or license the use of any or all of the Market Square in the City of London for market purposes, upon such terms and conditions, and for such rental or license fee, as to the council may appear proper, provided no term of rental or license shall exceed one year;
- (b) when, in the opinion of the council, any or all portions of the Market Square are not required for market purposes, to provide at such fee or charge as to the council may appear proper, spaces for parking of vehicles, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such parking, and to impose penalties for infractions thereof as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (c) notwithstanding any other Act, to set aside for market purposes, on such days and times as to the council may appear proper, public highways adjoining the Market Square, or any parts thereof, and to provide for such fee or charge therefor as to the Council may appear proper, and to provide parking meters or other means of collecting such fee or charge, and to govern and regulate such use of such portions of such highways and to impose such penalties for infractions of such regulations as to the council may appear proper, and for this purpose the Corporation shall have all the powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*;
- (d) with the approval of the ratepayers of the Corporation entitled to vote on money by-laws, to construct a building or buildings upon the Market Square, which building or buildings shall be used for market purposes and may incorporate storage facilities, retail stores and parking facilities for vehicles, and to govern and regulate the use of such building and to impose such penalties for infractions of such regulations as to the council may appear proper;

- (e) to lease any or all of the Market Square for a period not exceeding thirty years to a private, non-profit corporation formed by local business men for the purpose of erecting thereon a combined Market and Parking Building at no cost to the corporation but upon such terms and conditions and with such remuneration to the Corporation as may be mutually agreed upon by the Corporation and the non-profit corporation, provided the building shall be given to the City of London, without charge, and free of all encumbrances on the expiration of the said lease, or as soon as the cost of the building and operating expenses are recovered from the revenue therefrom, whichever shall first happen."

AND WHEREAS the Corporation has been incorporated as a private corporation under the laws of the Province of Ontario, the Directors and Members of which are nine local businessmen;

AND WHEREAS "Market Square" in this agreement comprises lands and premises in the said City of London described as follows: Being composed of Lots Numbers Fifteen, Fourteen, Thirteen and part of Twelve (and being parts of Lots A, B, One, Two, Seven and Eight as shown on Plan registered as Number 160) on the north side of King Street and parts of Lots Numbers Fifteen, Fourteen, Thirteen and Twelve, south Dundas Street, in the said City of London, more particularly described as follows: Commencing at the intersection of the northerly limit of King Street with the easterly limit of Talbot Street; thence easterly along the northerly limit of King Street, four hundred point eight feet to a point; thence northerly parallel to the easterly limit of Talbot Street, two hundred and one feet, ten inches; thence westerly parallel to the northerly limit of King Street, four hundred point eight feet, more or less, to the easterly limit of Talbot Street; and thence southerly along the easterly limit of Talbot Street, two hundred and one feet, ten inches, more or less, to the place of beginning;

AND WHEREAS the Corporation is desirous of erecting on the market square, in the said City of London, a Market and Parking Building, without cost to the City, and to provide that the said building shall be given to the City, without charge and free from all encumbrances, at the end of thirty years, or at such earlier date as the cost of the building and operating expenses are recovered, as herein more particularly provided;

AND WHEREAS for such purpose the Corporation is desirous of procuring from the City a lease of the said market square;

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises each of the parties hereto, for themselves, their successors and assigns, covenant and agree as follows:

1. The Corporation covenants that it is a non-profit corporation formed under Part III of *The Corporations Act, 1953* the Members of which are all business men of the City of London and are as follows: W. E. Mara, J. A. Anderson, W. H. McCrae, Paul Smith, E. V. Ripplingille, Jr., Isaac Siskind, C. E. Isard, W. E. Young and Joseph Jefferv, which said Members, and two Council Members to be appointed, are all the Directors of the Corporation.

2. The City agrees that upon the execution of this agreement the City will contract with no licensee, tenant, occupant or other person for occupation of any part of the market square beyond an occupancy of monthly duration.

3. The City agrees to give possession of the market square to the Corporation, subject to any unexpired tenancies—

- (a) When the Corporation tenders evidence to the satisfaction of the Council of the City that the financing of the said building is substantially completed, and

- (b) Upon the Corporation delivering to the City a bond securing the due completion of the building at the time and in the manner provided herein, said bond to be in the amount of fifty per cent of the contract price for completion of the building and equipment, in a form approved by the solicitor of the City, and
- (c) Upon the execution by the Corporation of the lease herein referred to.

If the Corporation shall not comply with the provisions of this section within six months of this agreement coming into effect, this agreement shall be of no further force or effect.

4. Upon compliance with the provisions of section 3 (a), (b), and (c) the City agrees to proceed to terminate all licenses, tenancies and other rights of the present occupants of the market square.

5. The Corporation agrees that on obtaining possession of the market square, it will raze and tear down, at its own expense, the buildings now on the market square, save the structure known as "Chancey Smith's" and the market parking office which is the property of the City, and will construct thereon a Market and Parking Building substantially in accordance with the plans drawn by the Engineer of the Corporation, which plans are attached hereto as schedule "A" and initialled by the proper officers of the parties hereto, and as may be altered by mutual agreement. Road and sidewalk grades shall be approved by the City Engineer.

6. The City agrees that the Corporation shall retain and convert to its own use the salvage obtained from the buildings razed and torn down as provided in the preceding paragraph hereof, provided that the buildings hereinbefore referred to shall not include the market parking office or the structure known as "Chancey Smith's", in respect of which the City shall forthwith, on the Corporation's compliance with Section 3, give notice to remove.

7. The Corporation agrees that the Market and Parking Building to be erected shall be completed eighteen months after the date when possession of the market square is given to the Corporation, provided that in the event of strikes, lockouts, fire, unavoidable delay by common carriers, or unavoidable casualties or acts of God the time for completion shall be extended for a time equivalent to that of the delay occasioned by such causes. The Corporation agrees that any construction contracts let with regard to construction or repair of the said building shall contain the usual local labour clauses.

8. The Corporation agrees not to remove or alter the location of any sewer, wire, cable or other utility during the construction of the said building without the consent, in writing, of the City; such work to be done without expense to the City or of The Public Utilities Commission thereof. The Corporation will arrange for the movement of the cable or cables of The Bell Telephone Company without expense to the City. The Corporation will pay for work necessitated by the construction of the building for curb and gutter and sidewalk on Talbot and King Streets, sidewalks, curb and gutter on the north and east sides of the building. The cost of grading and paving fire lane and Temple Street will be shared as to one-half by each of the parties hereto.

9. The City agrees to grant, and the Corporation agrees to lease, the market square for the term of thirty years from the date of delivery of possession of the said market square at the yearly rental of Ten thousand dollars, payable in equal quarterly payments, the first payment to be three months after the execution of the said lease, and the payment for the last quarter of the term to be made one month prior to the expiration of the lease or prior to its termination. The lease is to be drawn in accordance with this agreement, and shall contain the provisions of *The Short Forms of Leases Act*, and the covenants hereinafter contained.

10. The following clauses shall be deemed to be terms of this agreement and shall also be incorporated in the lease to be given pursuant to the terms hereof:

- (a) Upon the completion of the construction of the Market and Parking Building the Corporation agrees to operate the said building in a proper and businesslike manner for such purposes and at its own expense;
- (b) That part of the building to be known and designated as the parking area shall be used only for that purpose and the Corporation shall have the sole right to set the fee or charge for parking in the said area, and the manner in which and by which cars and vehicles of all descriptions may be parked and stored in the said area;
- (c) That part of the said building known as the Market area shall be used only for that purpose and the Corporation shall fix the rental for areas to be occupied by dealers and shall generally control the facilities for and the manner in which goods, wares, and merchandise may be sold, provided that the Corporation shall be subject to reasonable rules and regulations of the City designed for the comfort and protection of the public and to assure that such area is made available for the usual market purposes;
- (d) When either area is not in demand for the designated purposes such purposes may be interchanged;
- (e) The Corporation shall provide, equip and maintain within the area so marked on the said plans and specifications marked as Schedule "A" a comfort station comprising separate toilet and washing facilities for men and women; such facilities to be available for public use generally during such days and hours as are now maintained by the City for its comfort station. The Corporation will, at all times, at its own expense, properly heat the same and keep the same clean and in good order, all to the satisfaction of the City Engineer or The Department of Health of the City of London;
- (f) The Corporation agrees that no revenue received by the Corporation from the operation of the said building shall be expended for any other purpose than for the necessary operational expenses, repairs, improvements, etc., of the building and for the purpose of retiring the bonds, debentures and other forms of indebtedness and interest thereon and incurred for such building. Any surpluses shall be used for the said purposes and no dividends shall be paid. If at the time of turning over the building to the City any surpluses exist, the same shall be paid to the City after providing for debts and the cost of winding up the Corporation;
- (g) The Corporation agrees that no fees, wages or salaries shall be paid to the Directors or officers of the Corporation as Directors or officers, and that wages and salaries paid by the Corporation shall be reasonable and be paid only to those persons actually engaged in the maintenance and operation of the said building;
- (h) It is understood and agreed by the parties hereto that all proper charges for physical properties for the said building, legal fees, engineering fees, auditing and accounting fees and fees incurred in the financing of the Corporation shall be proper expenditures for the construction or operation of the building;
- (i) The Corporation agrees that it will provide the City with an annual statement of income and expenditure, a balance sheet and that the City will have free access to the books of the Corporation for its servants, agents, employees or auditors for the purpose of examination at all reasonable times;
- (j) The Corporation agrees that two Directors of the Corporation shall be elected from names submitted by the City, provided that the names submitted shall be submitted in writing by the City to the Corporation thirty days after request from the Corporation;

- (k) The Corporation agrees that at the end of the lease term, or at such earlier date that the cost of the said building and operating expenses as hereinbefore set forth are recovered, and bonds, debentures, etc., retired from the revenue produced by the said building, whichever event shall first happen, the Corporation will transfer the land and the said buildings, together with all operating machinery and equipment used in the operation of the said building, to the City, free and clear of all claims, charges and encumbrances, provided that any licenses, tenancies or occupancies which may possibly run for a term in excess of the transfer date as hereinbefore set out in this paragraph, shall receive the approval of the City before the same are entered into;
- (l) If the Corporation shall make default in any of the terms or provisions of the said lease or if the Market and Parking Building shall not be completed within the time limited, or if the same shall not be open and substantially operated as a market and parking building for any period of six successive months, then the privileges hereby granted shall be at an end and the term herein referred to terminated, and the structure or structures erected on the market square, together with all fixtures and equipment used in connection therewith shall become the property of and belong to the City without payment by the City, and free from all costs, charges, expenses, liens, encumbrances, mortgages, pledges or claims whatsoever, as fully and effectively as if the full period of thirty years had elapsed. Provided that if the non-operation of the said building arises by reason of strikes, lock-outs, fires or acts of God the calculation of the said period of six successive months shall be suspended during the time during which such causes existed;
- (m) The demised premises shall not, during the currency of the said lease be subject to municipal taxes, except for charges under *The Local Improvement Act*, which the Corporation agrees to forthwith pay as the same may fall due. Provided nothing herein shall exempt tenants from business tax;
- (n) The Corporation will at all times keep the premises insured in their full insurable value against fire, together with full supplemental coverage, and in the event of loss or damage such insurance will be applied in full to the restoration of such loss or damage;
- (o) The Corporation will offer employment to the Market Clerk and the Deputy Market Clerk at wages comparable to those now being received, excepting pension, or upon such other basis as may be mutually arranged.

11. The City shall be deemed to have an equity in the building equal to the sum of the bonds as may be retired from time to time; provided that control of the operation of the building shall not thereby be altered, nor shall any obligation upon the City be deemed to arise thereby.

12. The City undertakes that it will apply to the Legislature of the Province of Ontario for legislation validating this agreement and authorizing and empowering the parties to carry out and perform the same. This agreement shall not come into force or take effect unless and until the coming into force of such legislation.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals, attested by the hands of their respective proper officers.

SIGNED, SEALED AND DELIVERED
in the presence of

THE CORPORATION OF THE CITY OF
LONDON:

A. J. RUSH, *Mayor.*

(Seal)

R. H. COOPER, *Clerk.*

COVENT GARDEN BUILDING
INCORPORATED:

J. JEFFERY

(Seal)

JOHN A. ANDERSON

(Plans attached as Schedule "A")

BILL

An Act respecting the City of London

1st Reading

February 28th, 1955

2nd Reading

March 18th, 1955

3rd Reading

March 23rd, 1955

MR. ROBARTS (London)

No. 9

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Sarnia General Hospital

MR. CATHCART

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

THE HISTORY OF THE
CITY OF BOSTON

FROM THE
FUNDAMENTALS OF THE CITY

BY

JOHN

THE HISTORY OF THE
CITY OF BOSTON

No. 9

1955

BILL

An Act respecting the Sarnia General Hospital

WHEREAS The Corporation of the City of Sarnia by Preamble its petition has represented that by *An Act respecting* 1920, c. 163 *the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, as amended by section 2 of *The Sarnia* 1928, c. 110 *General Hospital Act, 1928*, it was enacted that the council of the Corporation might appoint five trustees to be known as the "Hospital Commission", and as further amended by section 1 of *The Sarnia General Hospital Act, 1946*, it was 1946, c. 138 enacted that the council of the Corporation might appoint nine trustees to be known as "The Hospital Commission", but no more than one member of the Municipal Council of the City of Sarnia should be eligible for appointment as a hospital trustee; and whereas the Corporation by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *An Act respecting the Sarnia General* 1920, c. 163, *Hospital*, as re-enacted by section 1 of *The Sarnia General* s. 3 (1946, *Hospital Act, 1946*, is repealed and the following substituted c. 138, s. 1), re-enacted therefor:

3. The conduct of the affairs of the said hospital shall Appointment of Hospital Commission be vested in a commission of nine trustees to be known as "The Hospital Commission", to be appointed by the Municipal Council of the City of Sarnia, the present nine trustees to serve for the term for which they have been appointed, and thereafter the trustee or trustees to be appointed in each year to take the place of the trustee or trustees whose term or terms shall have expired shall be appointed for a term of three years, save and except that a member of the Municipal Council of the City of Sarnia who is appointed a trustee shall be appointed for a term of one year, but no more than

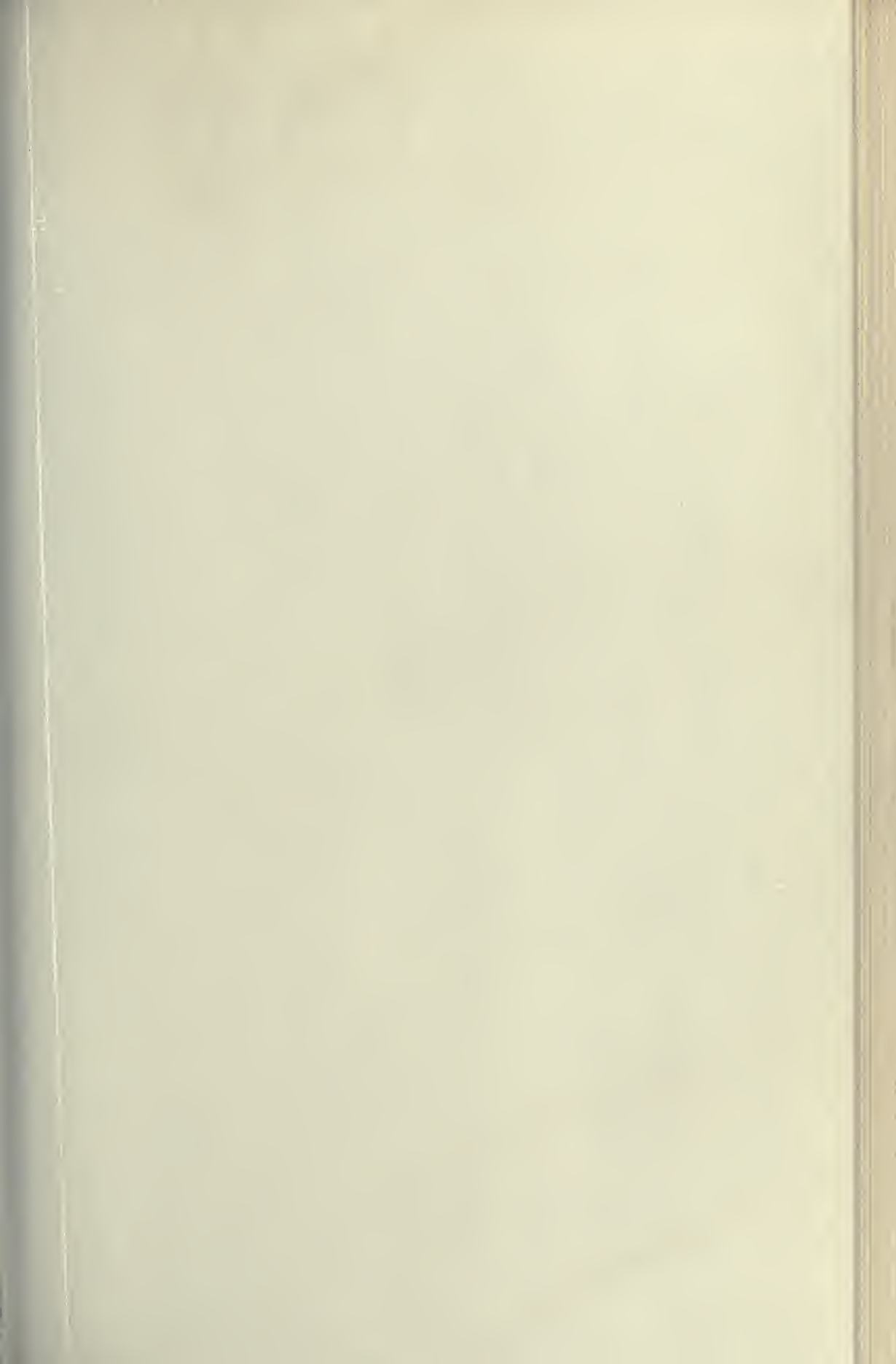
three members of the Municipal Council of the City of Sarnia shall be eligible for appointment as hospital trustees.

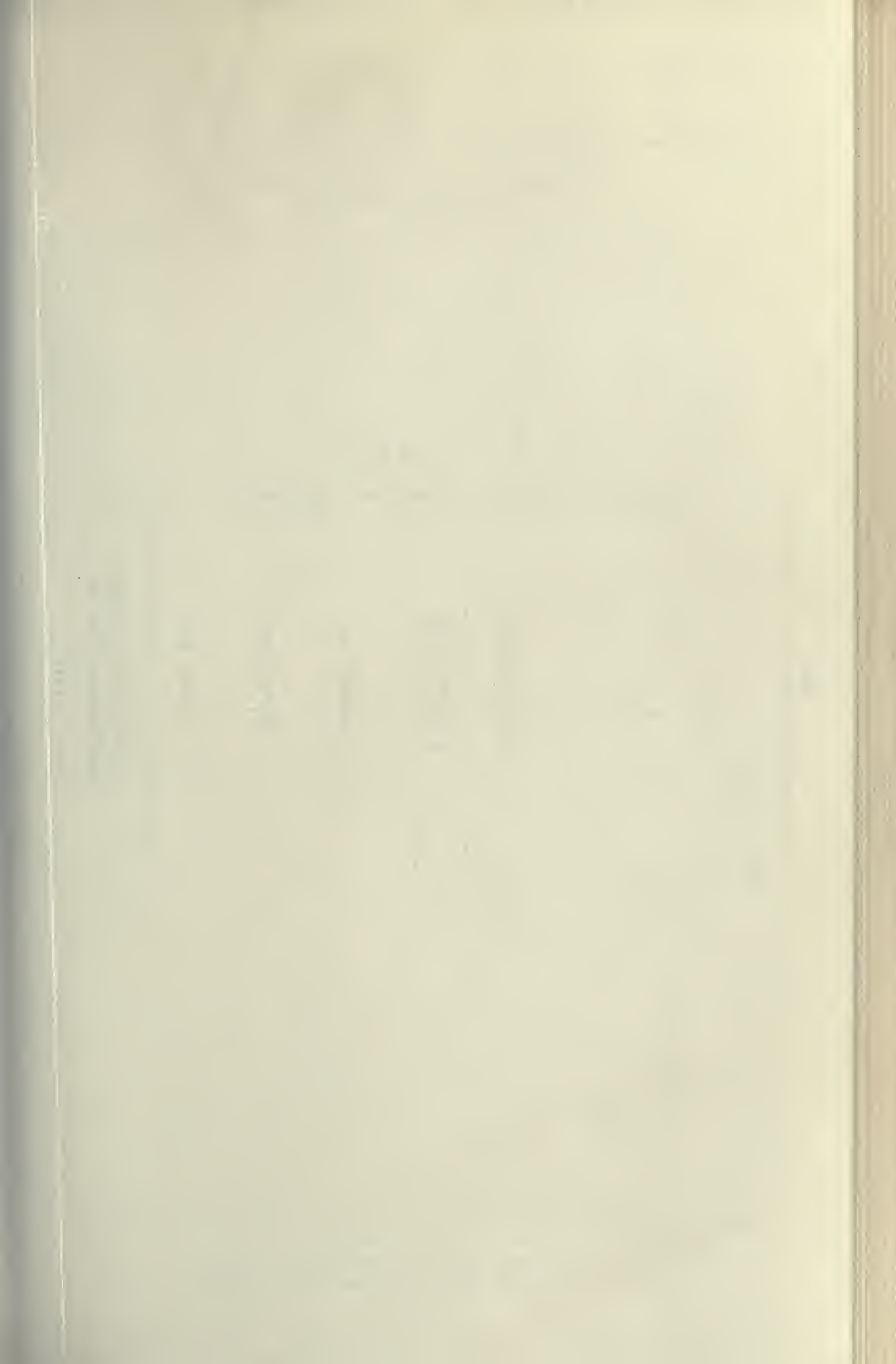
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Sarnia General Hospital Act, 1955*.





BILL

An Act respecting the
Sarnia General Hospital

1st Reading

2nd Reading

3rd Reading

MR. CATHCART

(Private Bill)

No. 9

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Sarnia General Hospital

MR. CATHCART

TORONTO
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No. 9

1955

BILL

An Act respecting the Sarnia General Hospital

WHEREAS The Corporation of the City of Sarnia by Preamble its petition has represented that by *An Act respecting* 1920, c. 163 the *Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, as amended by section 2 of *The Sarnia General Hospital Act, 1928*, it was enacted that the council of the Corporation might appoint five trustees to be known as the "Hospital Commission", and as further amended by section 1 of *The Sarnia General Hospital Act, 1946*, it was 1946, c. 138 enacted that the council of the Corporation might appoint nine trustees to be known as "The Hospital Commission", but no more than one member of the Municipal Council of the City of Sarnia should be eligible for appointment as a hospital trustee; and whereas the Corporation by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *An Act respecting the Sarnia General Hospital*, 1920, c. 163, as re-enacted by section 1 of *The Sarnia General Hospital Act, 1946*, is repealed and the following substituted therefor:

3. The conduct of the affairs of the said hospital shall be vested in a commission of nine trustees to be known as "The Hospital Commission", to be appointed by the Municipal Council of the City of Sarnia, the present nine trustees to serve for the term for which they have been appointed, and thereafter the trustee or trustees to be appointed in each year to take the place of the trustee or trustees whose term or terms shall have expired shall be appointed for a term of three years, save and except that a member of the Municipal Council of the City of Sarnia who is appointed a trustee shall be appointed for a term of one year, but no more than

Appointment
of Hospital
Commission

three members of the Municipal Council of the City of Sarnia shall be eligible for appointment as hospital trustees.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Sarnia General Hospital Act, 1955*.

BILL

An Act respecting the
Sarnia General Hospital

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. CATHCART

No. 10

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of New Toronto

MR. BRANDON

(PRIVATE BILL.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of New Toronto

WHEREAS The Corporation of the Town of New Preamble
Toronto by its petition has prayed for special legisla-
tion in respect of the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The council of the Corporation may, with the Provision for
assent of the electors qualified to vote on money by-laws or partial
with the approval of the Minister of Municipal Affairs, pass a exemption
by-law providing that taxes and rates, except for school of dwelling-
purposes, on dwelling houses assessed for not more than houses from
\$7,000 shall be levied and imposed on such percentage of the taxation
assessed value as may be thought proper, but not on a less
percentage than the following:

- (a) On dwelling houses assessed at not more than \$3,000,
on not less than 60 per cent of the assessed value.
- (b) On dwelling houses assessed at not more than \$4,000,
on not less than 65 per cent of the assessed value.
- (c) On dwelling houses assessed at not more than \$5,000,
on not less than 70 per cent of the assessed value.
- (d) On dwelling houses assessed at not more than \$6,000,
on not less than 80 per cent of the assessed value.
- (e) On dwelling houses assessed at not more than \$7,000,
on not less than 90 per cent of the assessed value.

(2) The by-law may,

Idem

- (a) make the percentage apply on the total assessment
of the land and buildings used for dwelling house
purposes or only on the assessed value of the building
used for such purposes;

Rev. Stat.,
c. 24

- (b) be made applicable to all dwelling houses within the meaning of section 34 of *The Assessment Act* or only to such of those dwelling houses as are occupied by the owners;
- (c) provide for the repeal of a by-law passed pursuant to section 34 of *The Assessment Act* without the assent of the electors qualified to vote on money by-laws; and
- (d) be repealed or amended from time to time with the assent of the electors qualified to vote on money by-laws or with the approval of the Minister of Municipal Affairs.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of New Toronto Act, 1955*.

BILL
An Act respecting the Town of
New Toronto

1st Reading

2nd Reading

3rd Reading

MR. BRANDON

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Town of Riverside

MR. MURDOCH

(PRIVATE BILL)

No. 11

1955

BILL

An Act respecting the Town of Riverside

WHEREAS The Corporation of the Town of Riverside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The lands described in the Schedule hereto are hereby Lands
vested in The Corporation of the Town of Riverside in fee vested in
simple, clear of and free from all right, title and interest Corporation
other than that of the Corporation.
2. This Act comes into force on the day it receives Royal Commence-
Assent. ment
3. This Act may be cited as *The Town of Riverside Act*, Short title
1955.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Town of Riverside, in the County of Essex and Province of Ontario, being composed of Parts of Farm Lots One Hundred and Thirty-two to One Hundred and Forty-nine (132 to 149) inclusive—formerly in the First Concession of the Township of Sandwich East but now in the said Town of Riverside—lying between the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road) and the southerly limit of the former right-of-way of the Windsor and Tecumseh Electric Railway Company as shown on a Plan registered in Book I for the Town of Riverside as No. 8655, on the 12th day of October, A.D. 1939, and which said parcels or tracts may be more particularly described as follows:

COMMENCING in the intersection of the westerly limit of said Farm Lot 132 with the southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company, as shown on a plan registered in Book I for the Town of Riverside, as No. 8655, on the 12th day of October, A.D. 1939; thence northerly, following the said westerly limit of Farm Lot 132, two hundred and seventy feet (270') more or less, to a point in the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road); thence easterly, following the last mentioned limit, to a point in the easterly limit of said Farm Lot 149; thence southerly, following the last mentioned limit, one hundred and forty feet (140') more or less to a point in the said southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company; thence westerly, following the last mentioned limit to the place of beginning.

All as shown outlined in "RED" on the accompanying plan.

EXCEPTING thereout and therefrom that Part of Farm Lot 143 as owned by Emelia D. Belanger and described in Instrument No. 15263 and registered in Book Q for the Town of Riverside, on the 25th day of January, 1950—all as shown outlined in "ORANGE" on the accompanying Plan.

Also, excepting thereout and therefrom that part of Farm Lot 139 as owned by Seto Guen Feun and described "Secondly" in Instrument No. 15841 and registered in Book R for the Town of Riverside, on the 9th day of June, 1950—all as shown outlined in "YELLOW" on the accompanying Plan.

Also, excepting thereout and therefrom that Part of Farm Lot 139 as owned by Lillian, John and Edward O'Connell and described in Instrument No. 3629 and registered in Book D for the Town of Riverside, on the 30th day of March, 1927—all as shown outlined in "GREEN" on the accompanying Plan.

BILL
An Act respecting the Town of Riverside

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

No. 11

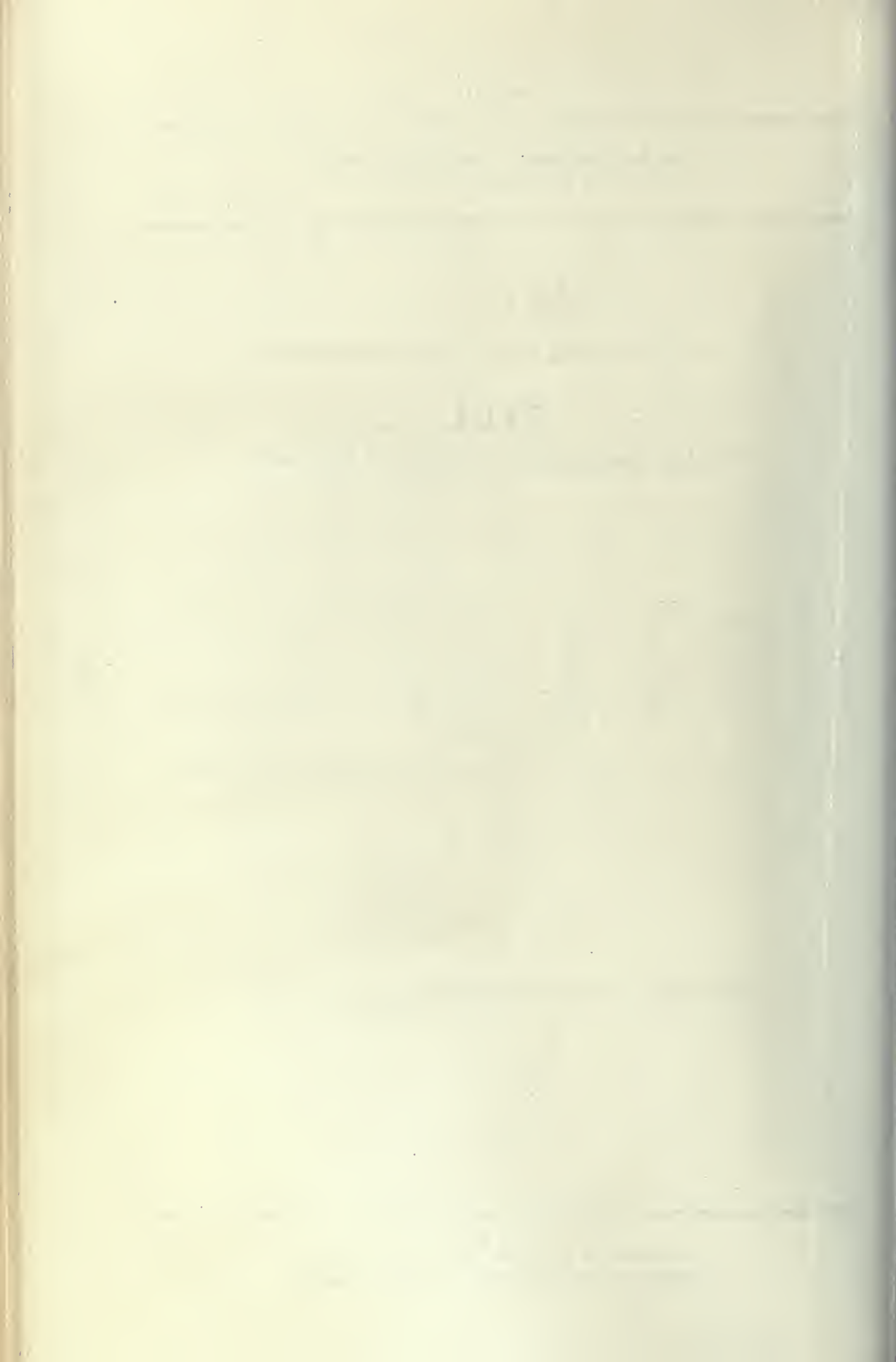
5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Town of Riverside

MR. MURDOCH

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 11

1955

BILL

An Act respecting the Town of Riverside

WHEREAS The Corporation of the Town of Riverside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The lands described in the Schedule hereto are hereby Lands
vested in The Corporation of the Town of Riverside in fee vested in
simple, clear of and free from all right, title and interest Corporation
other than that of the Corporation.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Town of Riverside Act*, Short title
1955.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Town of Riverside, in the County of Essex and Province of Ontario, being composed of Parts of Farm Lots One Hundred and Thirty-two to One Hundred and Forty-nine (132 to 149) inclusive—formerly in the First Concession of the Township of Sandwich East but now in the said Town of Riverside—lying between the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road) and the southerly limit of the former right-of-way of the Windsor and Tecumseh Electric Railway Company as shown on a Plan registered in Book I for the Town of Riverside as No. 8655, on the 12th day of October, A.D. 1939, and which said parcels or tracts may be more particularly described as follows:

COMMENCING in the intersection of the westerly limit of said Farm Lot 132 with the southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company, as shown on a plan registered in Book I for the Town of Riverside, as No. 8655, on the 12th day of October, A.D. 1939; thence northerly, following the said westerly limit of Farm Lot 132, two hundred and seventy feet (270') more or less, to a point in the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road); thence easterly, following the last mentioned limit, to a point in the easterly limit of said Farm Lot 149; thence southerly, following the last mentioned limit, one hundred and forty feet (140') more or less to a point in the said southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company; thence westerly, following the last mentioned limit to the place of beginning.

EXCEPTING thereout and therefrom that Part of Farm Lot 143 as owned by Emelia D. Belanger and described in Instrument No. 15263 and registered in Book Q for the Town of Riverside, on the 25th day of January, 1950.

Also, excepting thereout and therefrom that part of Farm Lot 139 as owned by Seto Guen Feun and described "Secondly" in Instrument No. 15841 and registered in Book R for the Town of Riverside, on the 9th day of June, 1950.

Also, excepting thereout and therefrom that Part of Farm Lot 139 as owned by Lillian, John and Edward O'Connell and described in Instrument No. 3629 and registered in Book D for the Town of Riverside, on the 30th day of March, 1927.

And also excepting thereout and therefrom the lands presently owned by Alice A. Barr being those lands described in Instrument No. 10492 and registered in Book K for the Town of Riverside on the 10th day of June, 1944, other than those lands therein heretofore conveyed away by the said Alice A. Barr.

BILL

An Act respecting the Town of Riverside

1st Reading

February 18th, 1955

2nd Reading

3rd Reading

MR. MURDOCH

*(Reprinted as amended by the Committee
on Private Bills)*

No. 11

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of Riverside

MR. MURDOCH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO

No. 11

1955

BILL

An Act respecting the Town of Riverside

WHEREAS The Corporation of the Town of Riverside Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The lands described in the Schedule hereto are hereby Lands
vested in The Corporation of the Town of Riverside in fee vested in
simple, clear of and free from all right, title and interest Corporation
other than that of the Corporation.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Town of Riverside Act*, Short title
1955.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the Town of Riverside, in the County of Essex and Province of Ontario, being composed of Parts of Farm Lots One Hundred and Thirty-two to One Hundred and Forty-nine (132 to 149) inclusive—formerly in the First Concession of the Township of Sandwich East but now in the said Town of Riverside—lying between the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road) and the southerly limit of the former right-of-way of the Windsor and Tecumseh Electric Railway Company as shown on a Plan registered in Book I for the Town of Riverside as No. 8655, on the 12th day of October, A.D. 1939, and which said parcels or tracts may be more particularly described as follows:

COMMENCING in the intersection of the westerly limit of said Farm Lot 132 with the southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company, as shown on a plan registered in Book I for the Town of Riverside, as No. 8655, on the 12th day of October, A.D. 1939; thence northerly, following the said westerly limit of Farm Lot 132, two hundred and seventy feet (270') more or less, to a point in the northerly limit of Riverside Drive (formerly known in part as Lake Front Road and also River Front Road); thence easterly, following the last mentioned limit, to a point in the easterly limit of said Farm Lot 149; thence southerly, following the last mentioned limit, one hundred and forty feet (140') more or less to a point in the said southerly limit of the lands formerly owned by the Windsor and Tecumseh Electric Railway Company; thence westerly, following the last mentioned limit to the place of beginning.

EXCEPTING thereout and therefrom that Part of Farm Lot 143 as owned by Emelia D. Belanger and described in Instrument No. 15263 and registered in Book Q for the Town of Riverside, on the 25th day of January, 1950.

Also, excepting thereout and therefrom that part of Farm Lot 139 as owned by Seto Guen Feun and described "Secondly" in Instrument No. 15841 and registered in Book R for the Town of Riverside, on the 9th day of June, 1950.

Also, excepting thereout and therefrom that Part of Farm Lot 139 as owned by Lillian, John and Edward O'Connell and described in Instrument No. 3629 and registered in Book D for the Town of Riverside, on the 30th day of March, 1927.

And also excepting thereout and therefrom the lands presently owned by Alice A. Barr being those lands described in Instrument No. 10492 and registered in Book K for the Town of Riverside on the 10th day of June, 1944, other than those lands therein heretofore conveyed away by the said Alice A. Barr.



BILL

An Act respecting the Town of Riverside

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. MURDOCH

No. 12

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Sarnia Board of Education and the
Sarnia Suburban High School District

MR. CATHCART

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 12

1955

BILL

An Act respecting the Sarnia Board of Education and the Sarnia Suburban High School District

WHEREAS The Board of Education for the City of Sarnia and The Sarnia Suburban District High School Board by their petition have prayed for special legislation to enable the Boards by agreement to provide increased secondary school accommodation; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "accommodation" means school sites and buildings, teaching areas, auxiliary areas, furniture and equipment and all other matters and things necessary for the operation of a secondary school;
- (b) "City" means City of Sarnia;
- (c) "City Board" means The Board of Education for the City of Sarnia;
- (d) "gross cost" means the cost of teachers' salaries, instructional supplies, administration, plant operation, plant maintenance and replacements, auxiliary agencies, current financing of the operation of secondary schools and all other expenditures by the City in respect of the operation of secondary schools;
- (e) "Suburban Board" means The Sarnia Suburban District High School Board.

2.—(1) The City Board and the Suburban Board may enter into an agreement for the construction of a secondary school to be completed on or about the 1st day of September, 1956, and to be located in the City and for the operation and management of all secondary schools in the City.

Agreement
re secondary
school to be
completed on
or about 1st
Sept., 1956

Terms and
conditions
to be
included

(2) An agreement entered into under subsection 1 shall include the following terms and conditions:

1. The new secondary school shall be constructed by the Suburban Board on a school site located in the City acquired by the Suburban Board under the direction and supervision of the City Board.
2. The cost of the school site and the construction of the secondary school shall be paid by the Suburban Board.
3. The new secondary school accommodation shall be owned by the Suburban Board and shall be leased for a nominal amount to the City Board until the debentures issued in respect of such accommodation are retired, at which time all such accommodation shall be conveyed to the City Board.
4. Municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if the new secondary school was located in the Sarnia Suburban High School District.
5. The operation and management of the new secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.
6. It shall be the duty of the City Board and the Suburban Board to meet together semi-annually, as required by notice from either Board to the other, to discuss matters relating to secondary schools.
7. Commencing with the fall term of 1956 and thereafter, the Suburban Board shall pay to the City Board a *per diem* rate for pupils resident in the Sarnia Suburban High School District and enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City, not including payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City or subsequent debentures issued by the City for the construction of secondary school accommodation in the City.
8. Commencing with the fall term of 1956 and thereafter, it shall be the duty of the City Board to accept pupils resident in the Sarnia Suburban High School District and qualified to enroll in a secondary school

and it shall be the right of such pupils to receive secondary school education in secondary schools located in the City.

9. Commencing with the fall term of 1956 and thereafter, pupils from a high school district in the County of Lambton not within the Sarnia Suburban High School District may be admitted to a secondary school in the City with the written consent of the secretary of the Board having jurisdiction over the area in which the pupil resides and any such Board shall pay to the City Board a *per diem* rate for such pupils enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City together with the payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City and all other debentures issued by the City or any municipality in the Sarnia Suburban High School District or the County of Lambton for the construction of secondary school accommodation in the City, and in such case that portion of the *per diem* rate computed in relation to debenture charges shall be shared by the City Board and Suburban Board in the proportion that the debenture charges of the City Board and the Suburban Board respectively at that time bear to the total debenture charges used in computing the *per diem* rate.

3.—(1) When in the opinion of the City Board additional accommodation to that provided by an agreement under section 2 is required, such additional accommodation may be provided with the approval of the Department of Education and, ^{Future requirements}

- (a) the cost of providing such additional accommodation shall be shared by the Boards in the proportion that the increased enrolment in secondary schools in the City from the City and from the Sarnia Suburban High School District, respectively, bears to the total increased enrolment in the secondary schools in the City; the increased enrolment to be determined from the enrolment on the 1st day of October, 1956, to the enrolment on the date of the approval of the Department to such additional accommodation;
- (b) the Suburban Board shall have an interest in any increased accommodation in the same proportion as it is liable for the cost of such accommodation and such interest shall be leased for a nominal

amount to the City Board until the debentures issued in respect of such interest have been retired, at which time the Suburban Board shall convey its interest in such accommodation to the City Board;

- (c) municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if such increased accommodation was located in the Sarnia Suburban High School District;
- (d) the operation and management of any new secondary school and any addition or alteration to any secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.

Application
of subsection
2 of
section 2

(2) Paragraphs 6, 7, 8 and 9 of subsection 2 of section 2 shall apply with respect to any additional accommodation provided under this section.

Transfer of
land

4. For the purposes of an agreement under section 2, the City Board may transfer any land owned by it to the Suburban Board and the Suburban Board may acquire any such land.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Sarnia and Suburban Secondary Schools Act, 1955*.

BILL

An Act respecting the Sarnia Board of
Education and the Sarnia Suburban
High School District

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. CATHCART

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act respecting the Sarnia Board of Education and the
Sarnia Suburban High School District**

MR. CATHCART

No. 12

1955

BILL

An Act respecting the Sarnia Board of Education and the Sarnia Suburban High School District

WHEREAS The Board of Education for the City of Sarnia and The Sarnia Suburban District High School Board by their petition have prayed for special legislation to enable the Boards by agreement to provide increased secondary school accommodation; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "accommodation" means school sites and buildings, teaching areas, auxiliary areas, furniture and equipment and all other matters and things necessary for the operation of a secondary school;
- (b) "City" means City of Sarnia;
- (c) "City Board" means The Board of Education for the City of Sarnia;
- (d) "gross cost" means the cost of teachers' salaries, instructional supplies, administration, plant operation, plant maintenance and replacements, auxiliary agencies, current financing of the operation of secondary schools and all other expenditures by the City in respect of the operation of secondary schools;
- (e) "Suburban Board" means The Sarnia Suburban District High School Board.

2.—(1) The City Board and the Suburban Board may enter into an agreement for the construction of a secondary school to be completed on or about the 1st day of September, 1956, and to be located in the City and for the operation and management of all secondary schools in the City. Agreement re secondary school to be completed on or about 1st Sept., 1956

Terms and
conditions
to be
included

(2) An agreement entered into under subsection 1 shall include the following terms and conditions:

1. The new secondary school shall be constructed by the Suburban Board on a school site located in the City acquired by the Suburban Board under the direction and supervision of the City Board.
2. The cost of the school site and the construction of the secondary school shall be paid by the Suburban Board.
3. The new secondary school accommodation shall be owned by the Suburban Board and shall be leased for a nominal amount to the City Board until the debentures issued in respect of such accommodation are retired, at which time all such accommodation shall be conveyed to the City Board.
4. Municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if the new secondary school was located in the Sarnia Suburban High School District.
5. The operation and management of the new secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.
6. It shall be the duty of the City Board and the Suburban Board to meet together semi-annually, as required by notice from either Board to the other, to discuss matters relating to secondary schools.
7. Commencing with the fall term of 1956 and thereafter, the Suburban Board shall pay to the City Board a *per diem* rate for pupils resident in the Sarnia Suburban High School District and enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City, not including payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City or subsequent debentures issued by the City for the construction of secondary school accommodation in the City.
8. Commencing with the fall term of 1956 and thereafter, it shall be the duty of the City Board to accept pupils resident in the Sarnia Suburban High School District and qualified to enroll in a secondary school

and it shall be the right of such pupils to receive secondary school education in secondary schools located in the City.

9. Commencing with the fall term of 1956 and thereafter, pupils from a high school district in the County of Lambton not within the Sarnia Suburban High School District may be admitted to a secondary school in the City with the written consent of the secretary of the Board, having jurisdiction over the area in which the pupil resides and any such Board shall pay to the City Board a *per diem* rate for such pupils enrolled in a secondary school in the City based on the gross cost of operating the secondary schools in the City together with the payments of principal and interest in respect of the debentures issued by the City for the construction of the Central Collegiate in the City and all other debentures issued by the City or any municipality in the Sarnia Suburban High School District or the County of Lambton for the construction of secondary school accommodation in the City, and in such case that portion of the *per diem* rate computed in relation to debenture charges shall be shared by the City Board and Suburban Board in the proportion that the debenture charges of the City Board and the Suburban Board respectively at that time bear to the total debenture charges used in computing the *per diem* rate.

3.—(1) When in the opinion of the City Board additional ^{Future} accommodation to that provided by an agreement under ^{requirements} section 2 is required, such additional accommodation may be provided with the approval of the Department of Education and,

- (a) the cost of providing such additional accommodation shall be shared by the Boards in the proportion that the increased enrolment in secondary schools in the City from the City and from the Sarnia Suburban High School District, respectively, bears to the total increased enrolment in the secondary schools in the City; the increased enrolment to be determined from the enrolment on the 1st day of October, 1956, to the enrolment on the date of the approval of the Department to such additional accommodation;
- (b) the Suburban Board shall have an interest in any increased accommodation in the same proportion as it is liable for the cost of such accommodation and such interest shall be leased for a nominal

amount to the City Board until the debentures issued in respect of such interest have been retired, at which time the Suburban Board shall convey its interest in such accommodation to the City Board;

- (c) municipal debentures, not to exceed a term of twenty years, may be issued by the municipalities, or any one of them, in the Sarnia Suburban High School District or by the County of Lambton in the same manner as if such increased accommodation was located in the Sarnia Suburban High School District;
- (d) the operation and management of any new secondary school and any addition or alteration to any secondary school shall be under the control of the City Board and the rules, regulations, by-laws and policies of the City Board shall apply thereto at all times.

Application
of subsection
2 of
section 2

(2) Paragraphs 6, 7, 8 and 9 of subsection 2 of section 2 shall apply with respect to any additional accommodation provided under this section.

Transfer of
land

4. For the purposes of an agreement under section 2, the City Board may transfer any land owned by it to the Suburban Board and the Suburban Board may acquire any such land.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Sarnia and Suburban Secondary Schools Act, 1955*.

BILL

An Act respecting the Sarnia Board of
Education and the Sarnia Suburban
High School District

1st Reading

February 28th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. CATHCART

No. 13

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of Amherstburg

MR. MURDOCH

(PRIVATE BILL)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 13

1955

BILL

An Act respecting the Town of Amherstburg

WHEREAS The Corporation of the Town of Amherst- Preamble
burg by its petition has represented that the council
of the Town has constructed as local improvements, pursuant
to the petitions of the property owners concerned, the sewers
described in the Schedule hereto, and has prayed for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 787 passed by The Corporation of the Town By-law
No. 787
confirmed
of Amherstburg on the 24th day of October, 1949, set forth
in the Schedule hereto, is hereby confirmed and declared
to be legal, valid and binding upon the Corporation and the
ratepayers thereof.

2. By-law No. 787A passed by The Corporation of the By-law
No. 787A
confirmed
Town of Amherstburg on the 24th day of January, 1955,
set forth in the Schedule hereto, authorizing the issue of
debentures of the Corporation in the principal amount of
\$20,250.13 to pay the cost of constructing the sewers, including
private drain connections to the respective street lines, is
hereby confirmed and declared to be legal, valid and binding
upon the Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal* Application
of Rev. Stat.,
c. 262
Board Act shall apply in respect of By-law No. 787A and the
debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The Town of Amherstburg* Short title
Act, 1955.

SCHEDULE

BY-LAW NUMBER 787

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to authorize the construction of a sewer on King Street from Park Street to 100 feet South of Queen Street, and on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street, as Local improvements under *The Local Improvement Act*.

WHEREAS James A. Flynn has petitioned the Council to construct as a local improvement the work hereinafter firstly described.

AND WHEREAS Frank Burck and others have petitioned the Council to construct as a local improvement the work hereinafter secondly described.

AND WHEREAS the Clerk has certified that the petitions are sufficient.

AND WHEREAS it is expedient to grant the prayers of the petitions in manner hereinafter provided.

THEREFORE, The Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to one hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 11 and 30 to 40, inclusive, according to Registered Plan No. 1485.

2. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street with private drain connections to the line of the streets connecting such sewer with Lots 18 to 31 inclusive, according to Registered Plan Number 946, and with Lots 58 (4 connections), 59, 60, 62 to 69 inclusive, 73, 74 (2 connections), 75 and 76, according to Registered Plan Number 240.

3. The Engineer of the Corporation, C. G. R. Armstrong, O.L.S., do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the work.

4. The work shall be carried on and executed under the superintendence and according to the directions and orders of such Engineer.

5. The Mayor and Clerk are authorized to cause a contract for the construction of the work to be made and entered into with some person or persons, firm or corporation subject to the approval of this Council to be declared by resolution.

6. The Treasurer may (subject to the approval of the Council) agree with any bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

7. The special assessment shall be paid by ten annual instalments.

8. The debentures to be issued for the loan to be effected to pay the cost of the work when completed shall bear interest at $3\frac{1}{2}\%$ per cent per annum and be made payable within ten years on the instalment plan.

9. Any person whose lot is specially assessed may commute for a payment in cash with special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot without the interest forthwith after the special assessment roll has been certified by the Clerk and at any time thereafter by the payment of such sum as when invested at 3½% per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ a first and second time, this 24th day of October, 1949.

A. H. STEVENSON,
Mayor.

L. J. PETTYPIECE,
Clerk.

BY-LAW NUMBER 787A

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to amend By-law No. 787, being a by-law to authorize the construction of sewers,

- (1) On King Street from Park Street to 100 feet South of Queen Street, and
- (2) on Balaclava Street from Alma Street to St. Arnaud Street, on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street,

as local improvements under *The Local Improvement Act*, and to authorize the issue of debentures in the principal amount of \$20,250.13 to pay the cost of constructing such sewers including private drain connections to the respective street lines.

WHEREAS the owners of the lands abutting thereon petitioned the Municipal Council to construct the said sewers as local improvements, and the Clerk certified that the petitions were sufficient.

AND WHEREAS the construction of the said sewers and private drain connections was authorized by the Municipal Council on the 14th day of March, 1949, and By-law No. 787 was duly passed on the 24th day of October, 1949, and the undertaking of the capital expenditure for such construction was approved by the Ontario Municipal Board by its Order, dated the 2nd day of November, 1949, as amended by its Orders dated the 27th day of February, 1952, the 11th day of December, 1953, and the 30th day of June, 1954, respectively.

AND WHEREAS during the construction of the sewer on King Street the owner of the lands abutting thereon requested that such sewer be extended Southerly to the North limit of Lot 20, Plan 1485, and submitted to such lands being specially assessed for the cost thereof.

AND WHEREAS the construction of the sewers and the extension on King Street was duly approved by the Department of Health.

AND WHEREAS the Corporation of the Town of Amherstburg has constructed as local improvements on petition the said sewers, including private drain connections to the respective street lines, as shown in Schedule A hereto, and the respective costs of such sewers are as set out in the said Schedule.

AND WHEREAS doubts have arisen concerning the validity of By-law No. 787 by reason of a judgment of the High Court of Justice for Ontario declaring that such by-law does not affect certain of the lands abutting

on the sewer on King Street, and restraining the Corporation from making assessments against such lands; and such judgment has been appealed to the Court of Appeal for Ontario, and such appeal has not yet been heard and adjudicated.

AND WHEREAS it is deemed necessary for the purpose of giving effect to and carrying out the intention of the petitioners for the said sewers that said By-law No. 787 be amended so as to apply to all the lands abutting on the said sewers; and for the purpose of paying the cost of construction of such sewers, including private drain connections to the respective street lines, to borrow \$20,250.13 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at the rate of four (4%) per cent, and it is expedient to make the principal of the said debt repayable in annual instalments during the period of ten years next after the date of issue of such debentures.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$3,241,095.00.

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$254,154.69, of which no part of the principal or interest is in arrears.

THEREFORE, The Municipal Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That paragraph No. 1 of By-law No. 787 be and the same is hereby amended by striking out the words "one hundred feet" and inserting in lieu thereof the words "to a point five hundred feet", and by striking out the word and figures "11 and 30" and inserting in lieu thereof the word and figures "19 and 22" so that the paragraph shall read as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to a point five hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 19, and 22 to 40, inclusive, according to Registered Plan No. 1485.

2. That for the purpose of paying the cost of construction of such sewers the Corporation shall borrow upon the credit of the Corporation \$20,250.13, and shall issue debentures therefor, and such debentures shall bear interest at the rate of four (4%) per cent per annum and have coupons attached thereto for the payment of such interest annually.

3. That the debentures shall all be dated the 31st day of December, 1954, and shall be payable in ten annual instalments on the 31st day of December in each of the years 1955 to 1964, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule B hereto annexed, which is hereby declared to be and to form part of this by-law.

4. That the said debentures as to both principal and interest shall be payable in lawful money of Canada at such place or places in Canada as shall be designated thereon.

5. That the said debentures shall be sealed with the seal of the Corporation and signed by the head of the Council, or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. (a) There shall be raised in each year in which an instalment becomes due by a special rate on all the rateable property in the Municipality a specific sum sufficient to pay the said instalment when and as it becomes due, but no greater rate shall be levied in any year for such purpose than is required to pay the instalment after taking into account receipts from the special rate provided in Clause (b) hereof, or from any source in respect of the said work.

(b) For the payment of the owners' portion of the cost and interest thereon the special assessments set forth in the special assessment rolls which are attached hereto as Schedules C and D, are hereby imposed upon the lands liable therefor as therein set forth, which special assessments with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in ten equal annual instalments as set out in the said schedules, and for that purpose the special annual rates per foot frontage set forth in the said Special Assessment Rolls are hereby imposed upon the lots entered in the said Roll according to the assessed frontage thereof, over and above all other rates and taxes, and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post, at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

9. That this by-law shall not take effect until the by-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ a first, second and third time and finally passed the 24th day of January, 1955.

E. M. WARREN,
Mayor.

L. J. PETTYPIECE,
Clerk.

Schedule "A"

Street	From	To	Total Cost	Town's Share	Owners' Share	TOTAL AMOUNT TO BE RAISED ANNUALLY FOR:		
						Payment of Debt	Town's Portion	Owners' Portion
King.....	Park.....	N. Limit of Lot 20, Plan 1485	\$ 6,345.12	\$1,268.44	\$ 5,076.68	\$ 782.30	\$156.44	\$ 625.86
Balacava.....	Alma.....	St. Arnaud.....	13,905.01	2,593.26	11,311.75	1,714.38	319.73	1,394.65
St. Arnaud.....	Balacava.....	150' West.....	.....	.....	.....	.....	...	....
St. Arnaud.....	Balacava.....	Victoria St.....	.....	.....	.....	.....	...	....
			<u>\$20,250.13</u>	<u>\$3,861.70</u>	<u>\$16,388.43</u>	<u>\$2,496.68</u>	<u>\$476.17</u>	<u>\$2,020.51</u>

Schedule "B"

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 1,650.13	\$ 810.00	\$ 2,460.13
1956.....	1,700.00	744.00	2,444.00
1957.....	1,800.00	676.00	2,476.00
1958.....	1,900.00	604.00	2,504.00
1959.....	2,000.00	528.00	2,528.00
1960.....	2,100.00	448.00	2,548.00
1961.....	2,200.00	364.00	2,564.00
1962.....	2,200.00	276.00	2,476.00
1963.....	2,300.00	188.00	2,488.00
1964.....	2,400.00	96.00	2,496.00
	<u>\$20,250.13</u>	<u>\$4,734.00</u>	<u>\$24,984.13</u>

Schedule "C"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on King Street from Park Street in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Commu- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Carl Imeson—King St., W. side, Lot 1 and N. ½ Lot 2, Plan 1485, 75'...	\$1.64833	\$76.77	\$200.40	32.94	\$24.70	10
Wm. L. Renaud—King St., W. side, S. ½ Lot 2 and Lot 3, Plan 1485, 75'...	1.64833	76.77	200.40	32.94	24.71	10
Jas. A. Flynn—King St., W. side, Lot 4, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Malcolm Leitch—King St., W. side, Lot 5, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Sam. Kubinec—King St., W. side, Lot 6, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 7, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 8, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Eugene Ouellette—King St., W. side, Lot 9, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Ralph Duby—King St., W. side, Lot 10, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Douglas H. McKeown—King St., W. side, Lot 11, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 12, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Leo Hunt—King St., W. side, Lot 13, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
James A. Flynn—King St., W. side, Lot 14, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Donald A. Watts—King St., W. side, Lot 15, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 16, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 17, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 18, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Donald Dorman—King St., W. side, Lot 19, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Jos. L. Thrasher—King St., E. side, Lot 22, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
John J. White—King St., E. side, Lot 23, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 24, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Robt. Noble—King St., E. side, Lot 25, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 26, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 27, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 28, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
Nykola Seniuk—King St., E. side, Lot 29, Plan 1485, 50'...	1.64833	51.18	133.60	32.94	16.47	10
John Kay—King St., E. side, Lot 30, Plan 1485, 50'...	1.64833	51.18	133.59	32.94	16.47	10

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Conne- ctions	Total Cost for Communi- cation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
John Kay—King St., E. side, Lot 31, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Leonard Duby—King St., E. side, Lot 32, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 33, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Gerrit J. Bruggink—King St., E. side, Lot 34, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Julius J. Kiss—King St., E. side, Lot 35, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Valentine Fabry—King St., E. side, Lot 36, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Kenneth Gordon—King St., E. side, Lot 37, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Floyd Zimmerman—King St., E. side, Lot 38, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Russel Musyl—King St., E. side, Lot 39, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Vivien J. Marontate—King St., E. side, Lot 40, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10

C. G. R. ARMSTRONG, C.E.

Windsor, Ontario,
January 13th, 1955.

Schedule "D"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on Balaclava Street and St. Arnaud Street, in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Conne- ctions	Total Cost for Commu- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Geo. M. Klinger—St. Arnaud St., S. side, Lot 18, Plan 946, 25'	\$2.16964	\$58.59	\$112.83	55.64	\$13.91	10
Frank Christl—St. Arnaud St., S. side, Lot 19, Plan 946, 47' 6"	2.16964	58.59	161.64	41.96	19.93	10
Miss B. W. Enderley—St. Arnaud St., S. side, Lot 20, Plan 946, 47' 6" ..	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—St. Arnaud St., S. side, Lot 21, Plan 946, 47' 6" ..	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—Baclava St., W. side, Lot 21, Plan 946, 118' 6" ..	2.16964	....	129.09	13.43	15.92	10
(ex. 59' 3")						
Albert and Pauline Lucier—Baclava St., W. side, Lot 22, Plan 946, 42' 10"	2.16964	58.59	151.48	43.62	18.68	10
C. Fred Squire—Baclava St., W. side, Lot 23 and N. ½ Lot 24, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Ilmari Rantainen—Baclava St., W. side, S. ½ Lot 24 and Lot 25, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Bernard Bezaire—Baclava St., W. side, Lot 26 and N. ½ Lot 27, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Clarence Renaud—Baclava St., W. side, S. ½ Lot 27 and Lot 28, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Leo Beneteau—Baclava St., W. side, Lot 29 and N. ½ Lot 30, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Hector Rocheleau—Baclava St., W. side, S. ½ Lot 30 and Lot 31, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Raymond Barlow—Baclava St., W. side, Lot 32, Plan 946, 118' (ex. 59') ..	2.16964	....	128.01	13.37	15.78	10
Louis Grondin—Baclava St., E. side, Pt. Lot 58, Plan 240, 157' 4" ..	2.16964	....	211.17	16.55	26.04	10
(ex. 60')						
Mathew Makra—Baclava St., E. side, Pt. Lot 58, Plan 240, 62'	2.16964	58.59	193.10	38.40	23.80	10
Reford Hunt—Baclava St., E. side, Pt. Lot 58, Plan 240, 56'	2.16964	58.59	180.09	39.64	22.20	10
Harold Jones—Baclava St., E. side, Pt. Lot 58, Plan 240, 62'	2.16964	58.59	193.11	38.40	23.80	10
Gordon E. Aitkens—Baclava St., E. side, Pt. Lot 58, Plan 240, 50'	2.16964	....	108.48	26.75	13.37	10
Lynwood Nye—Baclava St., E. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Communi- cation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Alex. Rocheleau—Balaclava St., E. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Melvin Sinasc—Balaclava St., E. side, Pt. Lot 58, Plan 240, 159' (ex. 60')	2.16964	....	214.79	26.75	26.48	10
Melvin Sinasc—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 157' 7"	2.16964	58.59	400.48	31.34	49.38	10
S. DiPasquale—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Reno Mancini—St. Arnaud St., S. side, Pt. Lot 58 and 59, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Harry Meloche—St. Arnaud St., S. side, Pt. Lot 59, Plan 240, 92'	2.16964	58.59	258.19	34.60	31.83	10
T. Richardson—St. Arnaud St., S. side, Lot 60, Plan 240, 138' 7"	2.16964	....	300.69	26.75	37.07	10
T. Richardson—St. Arnaud St., S. side, Lot 61, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Peter Stokes—St. Arnaud St., S. side, Lot 62, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Orville Deslippe—St. Arnaud St., S. side, Lot 63, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Lenore Hogan—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 50'	2.16964	58.59	167.08	41.20	20.60	10
Howard Sprague—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 88' 7"	2.16964	....	192.19	26.75	23.69	10
Sarah Hobbs—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3 1/2"	2.16964	58.59	208.92	37.18	25.76	10
Wm. Brown—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3 1/2"	2.16964	58.59	208.92	37.18	25.76	10
Maurice Fleury—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3 1/2"	2.16964	58.59	208.92	37.18	25.76	10
Gordon A. Scanlon—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3 1/2"	2.16964	59.59	208.92	37.18	25.76	10
Carmine Simone—St. Arnaud St., S. side, Lot 67, Plan 240, 178' 2"	2.16964	....	386.54	26.75	47.66	10
A. Sunderland—St. Arnaud St., N. side, Lot 68, Plan 240, 155' 2"	2.16964	58.59	395.23	31.41	48.73	10
Henry J. Brown—St. Arnaud St., N. side, Lot 68, Plan 240, 56'	2.16964	....	121.50	26.75	14.98	10
Morris Burke—St. Arnaud St., N. side, Lot 69, Plan 240, 183' 6"	2.16964	58.59	456.72	30.69	56.31	10
Morris Burke—St. Arnaud St., N. side, Lot 70, Plan 240, 144' 6"	2.16964	....	313.51	26.75	38.65	10
Morris Burke—St. Arnaud St., N. side, Lot 71, Plan 240, 140' 7"	2.16964	....	305.01	26.75	37.61	10
Annie Skeates—St. Arnaud St., N. side, Lot 72, Plan 240, 141' 3"	2.16964	58.59	365.06	31.87	45.01	10
Wm. E. Skeates—St. Arnaud St., N. side, Lot 73, Plan 240, 139' 11"	2.16964	303.57	303.57	26.75	37.43	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 47'	2.16964	58.59	160.56	42.13	19.80	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 40'	2.16964	....	86.79	26.75	10.70	10
Fred Sunderland—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 53' 7"	2.16964	58.59	174.83	40.15	21.55	10
Hugh Abbott—St. Arnaud St., N. side, Lot 75, Plan 240, 137' 3"	2.16964	58.59	356.37	32.01	43.93	10
Town of Amherstburg—St. Arnaud St., N. side, Lot 76, Plan 240, 139' 3"	2.16964	58.59	360.71	31.94	44.47	10
E. Bizaire—St. Arnaud St., N. side, Lot 77, Plan 240, 139' 3"	2.16964	....	302.12	26.75	37.25	10

C. G. R. ARMSTRONG, C.E.

Windsor, Ontario,
January 14th, 1955.

BILL
An Act respecting the Town of
Amherstburg

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(Private Bill)

No. 13

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Town of Amherstburg

MR. MURDOCH

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 13

1955

BILL

An Act respecting the Town of Amherstburg

WHEREAS The Corporation of the Town of Amherst- Preamble
burg by its petition has represented that the council
of the Town has constructed as local improvements, pursuant
to the petitions of the property owners concerned, the sewers
described in the Schedule hereto, and has prayed for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 787 passed by The Corporation of the Town By-law
No. 787
confirmed
of Amherstburg on the 24th day of October, 1949, set forth
in the Schedule hereto, is hereby confirmed and declared
to be legal, valid and binding upon the Corporation and the
ratepayers thereof.

2. By-law No. 787A passed by The Corporation of the By-law
No. 787A
confirmed
Town of Amherstburg on the 24th day of January, 1955,
set forth in the Schedule hereto, authorizing the issue of
debentures of the Corporation in the principal amount of
\$20,250.13 to pay the cost of constructing the sewers, including
private drain connections to the respective street lines, is
hereby confirmed and declared to be legal, valid and binding
upon the Corporation and the ratepayers thereof.

3. Sections 61, 62, 63 and 64 of *The Ontario Municipal* Application
of Rev. Stat.,
c. 262
Board Act shall apply in respect of By-law No. 787A and the
debentures to be issued thereunder.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The Town of Amherstburg* Short title
Act, 1955.

SCHEDULE

BY-LAW NUMBER 787

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to authorize the construction of a sewer on King Street from Park Street to 100 feet South of Queen Street, and on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street, as Local improvements under *The Local Improvement Act*.

WHEREAS James A. Flynn has petitioned the Council to construct as a local improvement the work hereinafter firstly described.

AND WHEREAS Frank Burck and others have petitioned the Council to construct as a local improvement the work hereinafter secondly described.

AND WHEREAS the Clerk has certified that the petitions are sufficient.

AND WHEREAS it is expedient to grant the prayers of the petitions in manner hereinafter provided.

THEREFORE, The Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to one hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 11 and 30 to 40, inclusive, according to Registered Plan No. 1485.

2. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on Balaclava Street from Alma Street to St. Arnaud Street, and on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street with private drain connections to the line of the streets connecting such sewer with Lots 18 to 31 inclusive, according to Registered Plan Number 946, and with Lots 58 (4 connections), 59, 60, 62 to 69 inclusive, 73, 74 (2 connections), 75 and 76, according to Registered Plan Number 240.

3. The Engineer of the Corporation, C. G. R. Armstrong, O.L.S., do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the work.

4. The work shall be carried on and executed under the superintendence and according to the directions and orders of such Engineer.

5. The Mayor and Clerk are authorized to cause a contract for the construction of the work to be made and entered into with some person or persons, firm or corporation subject to the approval of this Council to be declared by resolution.

6. The Treasurer may (subject to the approval of the Council) agree with any bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

7. The special assessment shall be paid by ten annual instalments.

8. The debentures to be issued for the loan to be effected to pay the cost of the work when completed shall bear interest at $3\frac{1}{2}\%$ per cent per annum and be made payable within ten years on the instalment plan.

9. Any person whose lot is specially assessed may commute for a payment in cash with special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot without the interest forthwith after the special assessment roll has been certified by the Clerk and at any time thereafter by the payment of such sum as when invested at $3\frac{1}{2}\%$ per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ a first and second time, this 24th day of October, 1949.

A. H. STEVENSON,
Mayor.

L. J. PETTYPIECE,
Clerk.

BY-LAW NUMBER 787A

THE CORPORATION OF THE TOWN OF AMHERSTBURG

A By-law to amend By-law No. 787, being a by-law to authorize the construction of sewers,

- (1) On King Street from Park Street to 100 feet South of Queen Street, and
- (2) on Balaclava Street from Alma Street to St. Arnaud Street, on St. Arnaud Street for 150 feet West of the centre of Balaclava Street, and on St. Arnaud Street from Balaclava Street to Victoria Street,

as local improvements under *The Local Improvement Act*, and to authorize the issue of debentures in the principal amount of \$20,250.13 to pay the cost of constructing such sewers including private drain connections to the respective street lines.

WHEREAS the owners of the lands abutting thereon petitioned the Municipal Council to construct the said sewers as local improvements, and the Clerk certified that the petitions were sufficient.

AND WHEREAS the construction of the said sewers and private drain connections was authorized by the Municipal Council on the 14th day of March, 1949, and By-law No. 787 was duly passed on the 24th day of October, 1949, and the undertaking of the capital expenditure for such construction was approved by the Ontario Municipal Board by its Order, dated the 2nd day of November, 1949, as amended by its Orders dated the 27th day of February, 1952, the 11th day of December, 1953, and the 30th day of June, 1954, respectively.

AND WHEREAS during the construction of the sewer on King Street the owner of the lands abutting thereon requested that such sewer be extended Southerly to the North limit of Lot 20, Plan 1485, and submitted to such lands being specially assessed for the cost thereof.

AND WHEREAS the construction of the sewers and the extension on King Street was duly approved by the Department of Health.

AND WHEREAS the Corporation of the Town of Amherstburg has constructed as local improvements on petition the said sewers, including private drain connections to the respective street lines, as shown in Schedule A hereto, and the respective costs of such sewers are as set out in the said Schedule.

AND WHEREAS doubts have arisen concerning the validity of By-law No. 787 by reason of a judgment of the High Court of Justice for Ontario declaring that such by-law does not affect certain of the lands abutting

on the sewer on King Street, and restraining the Corporation from making assessments against such lands; and such judgment has been appealed to the Court of Appeal for Ontario, and such appeal has not yet been heard and adjudicated.

AND WHEREAS it is deemed necessary for the purpose of giving effect to and carrying out the intention of the petitioners for the said sewers that said By-law No. 787 be amended so as to apply to all the lands abutting on the said sewers; and for the purpose of paying the cost of construction of such sewers, including private drain connections to the respective street lines, to borrow \$20,250.13 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at the rate of four (4%) per cent, and it is expedient to make the principal of the said debt repayable in annual instalments during the period of ten years next after the date of issue of such debentures.

AND WHEREAS the amount of the whole rateable property of the said Corporation according to the last revised assessment roll is \$3,241,095.00.

AND WHEREAS the amount of the existing debenture debt of the said Corporation is \$254,154.69, of which no part of the principal or interest is in arrears.

THEREFORE, The Municipal Council of The Corporation of The Town of Amherstburg enacts as follows:

1. That paragraph No. 1 of By-law No. 787 be and the same is hereby amended by striking out the words "one hundred feet" and inserting in lieu thereof the words "to a point five hundred feet", and by striking out the word and figures "11 and 30" and inserting in lieu thereof the word and figures "19 and 22" so that the paragraph shall read as follows:

1. That a sewer be constructed as a local improvement under the provisions of *The Local Improvement Act* on King Street from Park Street to a point five hundred feet South of Queen Street with private drain connections to the line of the street connecting such sewer with Lots 1 to 19, and 22 to 40, inclusive, according to Registered Plan No. 1485.

2. That for the purpose of paying the cost of construction of such sewers the Corporation shall borrow upon the credit of the Corporation \$20,250.13, and shall issue debentures therefor, and such debentures shall bear interest at the rate of four (4%) per cent per annum and have coupons attached thereto for the payment of such interest annually.

3. That the debentures shall all be dated the 31st day of December, 1954, and shall be payable in ten annual instalments on the 31st day of December in each of the years 1955 to 1964, both inclusive, and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule B hereto annexed, which is hereby declared to be and to form part of this by-law.

4. That the said debentures as to both principal and interest shall be payable in lawful money of Canada at such place or places in Canada as shall be designated thereon.

5. That the said debentures shall be sealed with the seal of the Corporation and signed by the head of the Council, or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the treasurer and his signature thereon may be written, stamped, lithographed or engraved.

6. (a) There shall be raised in each year in which an instalment becomes due by a special rate on all the rateable property in the Municipality a specific sum sufficient to pay the said instalment when and as it becomes due, but no greater rate shall be levied in any year for such purpose than is required to pay the instalment after taking into account receipts from the special rate provided in Clause (b) hereof, or from any source in respect of the said work.

(b) For the payment of the owners' portion of the cost and interest thereon the special assessments set forth in the special assessment rolls which are attached hereto as Schedules C and D, are hereby imposed upon the lands liable therefor as therein set forth, which special assessments with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in ten equal annual instalments as set out in the said schedules, and for that purpose the special annual rates per foot frontage set forth in the said Special Assessment Rolls are hereby imposed upon the lots entered in the said Roll according to the assessed frontage thereof, over and above all other rates and taxes, and the said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

7. That the said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette*, and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post, at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

9. That this by-law shall not take effect until the by-law has been confirmed by an Act of the Legislative Assembly of the Province of Ontario.

READ a first, second and third time and finally passed the 24th day of January, 1955.

E. M. WARREN,
Mayor.

L. J. PETTYPIECE,
Clerk.

Schedule "A"

			TOTAL AMOUNT TO BE RAISED ANNUALLY FOR:					
Street	From	To	Total Cost	Town's Share	Owners' Share	Payment of Debt	Town's Portion	Owners' Portion
King.....	Park.....	N. Limit of Lot 20, Plan 1485	\$ 6,345.12	\$1,268.44	\$ 5,076.68	\$ 782.30	\$156.44	\$ 625.86
Balaclava.....	Alma.....	St. Arnaud.....	13,905.01	2,593.26	11,311.75	1,714.38	319.73	1,394.65
St. Arnaud.....	Balaclava.....	150' West.....	.....	.....	.....	.....	...	....
St. Arnaud.....	Balaclava.....	Victoria St.....	.....	.....	.....	.....	...	....
			<u>\$20,250.13</u>	<u>\$3,861.70</u>	<u>\$16,388.43</u>	<u>\$2,496.68</u>	<u>\$476.17</u>	<u>\$2,020.51</u>

Schedule "B"

Year	Principal	Interest	Total Annual Payment
1955.....	\$ 1,650.13	\$ 810.00	\$ 2,460.13
1956.....	1,700.00	744.00	2,444.00
1957.....	1,800.00	676.00	2,476.00
1958.....	1,900.00	604.00	2,504.00
1959.....	2,000.00	528.00	2,528.00
1960.....	2,100.00	448.00	2,548.00
1961.....	2,200.00	364.00	2,564.00
1962.....	2,200.00	276.00	2,476.00
1963.....	2,300.00	188.00	2,488.00
1964.....	2,400.00	96.00	2,496.00
	<u>\$20,250.13</u>	<u>\$4,734.00</u>	<u>\$24,984.13</u>

Schedule "C"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on King Street from Park Street in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Commu- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Carl Imeson—King St., W. side, Lot 1 and N. ½ Lot 2, Plan 1485, 75' ..	\$1.64833	\$76.77	\$200.40	32.94	\$24.70	10
Wm. L. Renaud—King St., W. side, S. ½ Lot 2 and Lot 3, Plan 1485, 75' ..	1.64833	76.77	200.40	32.94	24.71	10
Jas. A. Flynn—King St., W. side, Lot 4, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Malcolm Leitch—King St., W. side, Lot 5, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Sam. Kubinec—King St., W. side, Lot 6, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 7, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Eugene Ouellette—King St., W. side, Lot 8, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Donald R. Snyder—King St., W. side, Lot 9, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Ralph Duby—King St., W. side, Lot 10, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Douglas H. McKeown—King St., W. side, Lot 11, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 12, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Leo Hunt—King St., W. side, Lot 13, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
James A. Flynn—King St., W. side, Lot 14, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Donald A. Watts—King St., W. side, Lot 15, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., W. side, Lot 16, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 17, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. W. Wigle—King St., W. side, Lot 18, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Donald Dorman—King St., W. side, Lot 19, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Jos. L. Thrasher—King St., E. side, Lot 22, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
John J. White—King St., E. side, Lot 23, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 24, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Robt. Noble—King St., E. side, Lot 25, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 26, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 27, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 28, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
Nykola Seniuk—King St., E. side, Lot 29, Plan 1485, 50' ..	1.64833	51.18	133.60	32.94	16.47	10
John Kay—King St., E. side, Lot 30, Plan 1485, 50' ..	1.64833	51.18	133.59	32.94	16.47	10

Name of Owner and Description

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Conne- ctions	Total Cost for Communi- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
John Kay—King St., E. side, Lot 31, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Leonard Duby—King St., E. side, Lot 32, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Jas. A. Flynn—King St., E. side, Lot 33, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Gerrit J. Bruggink—King St., E. side, Lot 34, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Julius J. Kiss—King St., E. side, Lot 35, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Valentine Fabry—King St., E. side, Lot 36, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Kenneth Gordon—King St., E. side, Lot 37, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Floyd Zimmerman—King St., E. side, Lot 38, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10
Russel Musyl—King St., E. side, Lot 39, Plan 1485, 50'	1.64833	51.18	133.59	32.94	16.47	10
Vivien J. Marontate—King St., E. side, Lot 40, Plan 1485, 50'	1.64833	51.18	133.60	32.94	16.47	10

Windsor, Ontario,
January 13th, 1955.

C. G. R. ARMSTRONG, C.E.

Schedule "D"

SPECIAL ASSESSMENT ROLL

For the Cost of a Sewer on Balaclava Street and St. Arnaud Street, in the Town of Amherstburg, constructed as a Local Improvement.

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Commu- tation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Geo. M. Klinger—St. Arnaud St., S. side, Lot 18, Plan 946, 25'	\$2.16964	\$58.59	\$112.83	55.64	\$13.91	10
Frank Christl—St. Arnaud St., S. side, Lot 19, Plan 946, 47' 6"	2.16964	58.59	161.64	41.96	19.93	10
Miss B. W. Enderley—St. Arnaud St., S. side, Lot 20, Plan 946, 47' 6"	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—St. Arnaud St., S. side, Lot 21, Plan 946, 47' 6"	2.16964	58.59	161.64	41.96	19.93	10
Walls Construction Co.—Balaclava St., W. side, Lot 21, Plan 946, 118' 6" (ex. 59' 3")	2.16964	....	129.09	13.43	15.92	10
Albert and Pauline Lucier—Balaclava St., W. side, Lot 22, Plan 946, 42' 10"	2.16964	58.59	151.48	43.62	18.68	10
C. Fred Squire—Balaclava St., W. side, Lot 23 and N. ½ Lot 24, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Ilmari Rantainen—Balaclava St., W. side, S. ½ Lot 24 and Lot 25, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Bernard Bezaire—Balaclava St., W. side, Lot 26 and N. ½ Lot 27, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Clarence Renaud—Balaclava St., W. side, S. ½ Lot 27 and Lot 28, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Leo Beneteau—Balaclava St., W. side, Lot 29 and N. ½ Lot 30, Plan 946, 64' 3"	2.16964	87.88	227.22	43.62	28.02	10
Hector Rocheleau—Balaclava St., W. side, S. ½ Lot 30 and Lot 31, Plan 946, 64' 3"	2.16964	87.89	227.22	43.62	28.02	10
Raymond Barlow—Balaclava St., W. side, Lot 32, Plan 946, 118' (ex. 59') Louis Grondin—Balaclava St., E. side, Pt. Lot 58, Plan 240, 157' 4" (ex. 60')	2.16964	....	227.22	43.62	15.78	10
Mathew Makra—Balaclava St., E. side, Pt. Lot 58, Plan 240, 62'	2.16964	58.59	211.17	16.55	26.04	10
Reford Hunt—Balaclava St., E. side, Pt. Lot 58, Plan 240, 56'	2.16964	58.59	193.10	38.40	23.80	10
Harold Jones—Balaclava St., E. side, Pt. Lot 58, Plan 240, 62'	2.16964	58.59	180.09	39.64	22.20	10
Gordon E. Aitkens—Balaclava St., E. side, Pt. Lot 58, Plan 240, 50'	2.16964	....	193.11	38.40	23.80	10
Lynwood Nye—Balaclava St., E. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	108.48	26.75	13.37	10
	2.16964	....	130.18	26.75	16.05	10

Name of Owner and Description	Cost per Foot Frontage of Work	Cost of Sewer Con- nec- tions	Total Cost for Communi- cation	Annual Cost per Foot Frontage (cents)	Annual Cost in each Year	No. of Instal- ments
Alex. Rocheleau—Balachava St., E. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Melvin Sinasac—Balachava St., E. side, Pt. Lot 58, Plan 240, 159' (ex. 60')	2.16964	....	214.79	26.75	26.48	10
Melvin Sinasac—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 157' 7"	2.16964	58.59	400.48	31.34	49.38	10
S. DiPasquale—St. Arnaud St., S. side, Pt. Lot 58, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Reno Mancini—St. Arnaud St., S. side, Pt. Lot 58 and 59, Plan 240, 60'	2.16964	....	130.18	26.75	16.05	10
Harry Meloche—St. Arnaud St., S. side, Pt. Lot 59, Plan 240, 92'	2.16964	58.59	258.19	34.60	31.83	10
T. Richardson—St. Arnaud St., S. side, Lot 60, Plan 240, 138' 7"	2.16964	....	300.69	26.75	37.07	10
T. Richardson—St. Arnaud St., S. side, Lot 61, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Peter Stokes—St. Arnaud St., S. side, Lot 62, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Orville Deslippe—St. Arnaud St., S. side, Lot 63, Plan 240, 138' 7"	2.16964	58.59	359.27	31.96	44.29	10
Lenore Hogan—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 50'	2.16964	58.59	167.08	41.20	20.60	10
Howard Sprague—St. Arnaud St., S. side, Pt. Lot 64, Plan 240, 88' 7"	2.16964	....	192.19	26.75	23.69	10
Sarah Hobbs—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3 1/2"	2.16964	58.59	208.92	37.18	25.76	10
Wm. Brown—St. Arnaud St., S. side, Pt. Lot 65, Plan 240, 69' 3 1/2"	2.16964	58.59	208.92	37.18	25.76	10
Maurice Fleury—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3 1/2"	2.16964	59.59	208.92	37.18	25.76	10
Gordon A. Scanlon—St. Arnaud St., S. side, Pt. Lot 66, Plan 240, 69' 3 1/2"	2.16964	....	386.54	26.75	47.66	10
Carmine Simone—St. Arnaud St., S. side, Lot 67, Plan 240, 178' 2"	2.16964	58.59	395.23	31.41	48.73	10
A. Sunderland—St. Arnaud St., N. side, Pt. Lot 68, Plan 240, 155' 2"	2.16964	....	121.50	26.75	14.98	10
Henry J. Brown—St. Arnaud St., N. side, Lot 68, Plan 240, 56'	2.16964	58.59	456.72	30.69	56.31	10
Morris Burke—St. Arnaud St., N. side, Lot 69, Plan 240, 183' 6"	2.16964	....	313.51	26.75	38.65	10
Morris Burke—St. Arnaud St., N. side, Lot 70, Plan 240, 144' 6"	2.16964	....	305.01	26.75	37.61	10
Morris Burke—St. Arnaud St., N. side, Lot 71, Plan 240, 140' 7"	2.16964	58.59	365.06	31.87	45.01	10
Annie Skeates—St. Arnaud St., N. side, Lot 72, Plan 240, 141' 3"	2.16964	....	303.57	26.75	37.43	10
Wm. E. Skeates—St. Arnaud St., N. side, Lot 73, Plan 240, 139' 11"	2.16964	58.59	160.56	42.13	19.80	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 47'	2.16964	....	86.79	26.75	10.70	10
Loftus Deneau—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 40'	2.16964	58.59	174.83	40.15	21.55	10
Fred Sunderland—St. Arnaud St., N. side, Pt. Lot 74, Plan 240, 53' 7"	2.16964	58.59	356.37	32.01	43.93	10
Hugh Abbott—St. Arnaud St., N. side, Lot 75, Plan 240, 137' 3"	2.16964	58.59	360.71	31.94	44.47	10
Town of Amherstburg—St. Arnaud St., N. side, Lot 76, Plan 240, 139' 3"	2.16964	....	302.12	26.75	37.25	10
E. Bizaire—St. Arnaud St., N. side, Lot 77, Plan 240, 139' 3"	2.16964	....			

C. G. R. ARMSTRONG, C.E.

Windsor, Ontario,
January 14th, 1955.

BILL
An Act respecting the Town of
Amherstburg

1st Reading

February 28th, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 14th, 1955

MR. MURDOCH

No. 14

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Kitchener-Waterloo General Hospital

MR. LEAVINE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 14

1955

BILL

An Act respecting the Kitchener-Waterloo General Hospital

WHEREAS The Corporation of the City of Kitchener Preamble
and The Corporation of the City of Waterloo by their
petition have prayed for special legislation in respect of the
Kitchener-Waterloo General Hospital as hereinafter set forth;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 3 of *An Act respecting the Kitchener-Waterloo* 1924,
General Hospital, being chapter 150 of the Statutes of Ontario, c. 150, s. 3,
1924, is repealed and the following substituted therefor: re-enacted

3.—(1) The conduct of the affairs of the said hospital Conduct of
shall be vested in a commission of nine trustees to be affairs by
known as the Kitchener-Waterloo Hospital Com- Commission
mission, to be appointed as follows:

- (a) Five members appointed by the council of
the City of Kitchener;
- (b) Two members appointed by the council of
the City of Waterloo;
- (c) The mayors for the time being respectively of
the City of Kitchener and the City of
Waterloo;

of the three members appointed by the council of
the City of Kitchener in January, 1955, two shall
hold office until the end of 1955 and one, to be
named by such council, shall hold office until the
end of 1956; after this section comes into force the
council of the City of Kitchener shall appoint two
new members who shall hold office until the end of
1957; the member appointed by the council of the
City of Waterloo in January, 1955, shall hold office

until the end of 1956; after this section comes into force the council of the City of Waterloo shall appoint one new member who shall hold office until the end of 1957; subject to the foregoing, appointments of appointive members shall be for three-year terms and shall be made by the council of the City of Kitchener at its first meeting in each year and by the council of the City of Waterloo at its first meeting in each year in which there is a vacancy to be filled by such council; members shall hold office until their respective successors are appointed and the new commission is organized; a member shall be eligible for re-appointment; vacancies on the said commission from any cause may be filled by the appointing council at any time.

Representa-
tion of
County of
Waterloo

- (2) The County of Waterloo shall have the right to appoint a tenth member of the commission so long as it shall contribute to the maintenance and support of the said hospital an annual sum of not less than \$1,000.

1924, c. 150,
ss. 6, 7, 11,
amended

2. Sections 6, 7 and 11 of the said *An Act respecting the Kitchener-Waterloo General Hospital* are amended by striking out the word "Town" wherever it appears therein and inserting in lieu thereof in each instance the word "City".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Kitchener-Waterloo General Hospital Act, 1955*.

BILL

An Act respecting the Kitchener-Waterloo
General Hospital

1st Reading

2nd Reading

3rd Reading

MR. LEAVINE

(*Private Bill*)

No. 14

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Kitchener-Waterloo General Hospital

MR. LEAVINE

TORONTO
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BILL

An Act respecting the Kitchener-Waterloo General Hospital

WHEREAS The Corporation of the City of Kitchener Preamble and The Corporation of the City of Waterloo by their petition have prayed for special legislation in respect of the Kitchener-Waterloo General Hospital as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *An Act respecting the Kitchener-Waterloo General Hospital*, being chapter 150 of the Statutes of Ontario, 1924, c. 150, s. 3, re-enacted 1924, is repealed and the following substituted therefor:

3.—(1) The conduct of the affairs of the said hospital Conduct of affairs by Commission shall be vested in a commission of nine trustees to be known as the Kitchener-Waterloo Hospital Commission, to be appointed as follows:

- (a) Five members appointed by the council of the City of Kitchener;
- (b) Two members appointed by the council of the City of Waterloo;
- (c) The mayors for the time being respectively of the City of Kitchener and the City of Waterloo;

of the three members appointed by the council of the City of Kitchener in January, 1955, two shall hold office until the end of 1955 and one, to be named by such council, shall hold office until the end of 1956; after this section comes into force the council of the City of Kitchener shall appoint two new members who shall hold office until the end of 1957; the member appointed by the council of the City of Waterloo in January, 1955, shall hold office

until the end of 1956; after this section comes into force the council of the City of Waterloo shall appoint one new member who shall hold office until the end of 1957; subject to the foregoing, appointments of appointive members shall be for three-year terms and shall be made by the council of the City of Kitchener at its first meeting in each year and by the council of the City of Waterloo at its first meeting in each year in which there is a vacancy to be filled by such council; members shall hold office until their respective successors are appointed and the new commission is organized; a member shall be eligible for re-appointment; vacancies on the said commission from any cause may be filled by the appointing council at any time.

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- (2) The County of Waterloo shall have the right to appoint a tenth member of the commission so long as it shall contribute to the maintenance and support of the said hospital an annual sum of not less than \$1,000.

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- 2.** Sections 6, 7 and 11 of the said *An Act respecting the Kitchener-Waterloo General Hospital* are amended by striking out the word "Town" wherever it appears therein and inserting in lieu thereof in each instance the word "City".

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- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

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BILL

An Act respecting the Kitchener-Waterloo
General Hospital

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. LEAVINE

No. 15

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Port Arthur

MR. WARDROPE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 15

1955

BILL

An Act respecting the City of Port Arthur

WHEREAS The Corporation of the City of Port Arthur ^{Preamble} by its petition has represented that it has by By-law No. 3686, duly passed on the 24th day of January, 1955, authorized the issue of debentures for \$30,000 to provide for an advance of moneys to the Port Arthur Arena Company, Limited, for the purpose of making substantial repairs and replacements to the rink owned by the Company and in particular to the artificial ice plant thereof, and has authorized the execution on behalf of the Corporation of an Agreement between the Corporation and the Company in the terms of the Agreement set out as Schedule "A" to the said By-law; and whereas the said Agreement has been executed by the Corporation and by the Port Arthur Arena Company, Limited; and whereas the Corporation has prayed for special legislation with respect to such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, ^{By-law and Agreement confirmed} By-law No. 3686 of the City of Port Arthur, passed by the council of The Corporation of the City of Port Arthur on the 24th day of January, 1955, set forth as the Schedule hereto, and the Agreement entered into between the Corporation and the Port Arthur Arena Company, Limited, pursuant to the said By-law and appearing as Schedule "A" to the said By-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and upon the Port Arthur Arena Company, Limited.

2. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

3. This Act may be cited as *The City of Port Arthur Act*, ^{Short title} 1955.

SCHEDULE

CITY OF PORT ARTHUR

BY-LAW No. 3686

A By-law to authorize the borrowing of \$30,000.00 upon debentures to provide for the making of an advance of monies to Port Arthur Arena Company, Limited, to defray the cost of certain substantial repairs and replacements to the rink owned by the Company.

WHEREAS the Council of The Corporation of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to lend to it the sum of \$30,000.00 to defray the cost of certain substantial repairs and replacements to the Arena rink owned by the Company and in particular the artificial ice plant thereof;

AND WHEREAS the said Council has agreed to make the said loan upon the terms and conditions set forth in the Agreement, a copy whereof is hereto annexed and marked Schedule "A" to this by-law;

AND WHEREAS it is necessary to borrow the said sum of \$30,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of 5 years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary in each of the years during the said period of 5 years to raise the sum set forth for such year in Column 5 of Schedule "B" to this by-law;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$49,991,532.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$7,183,478.95, and no part of the principal or interest is in arrear;

AND WHEREAS by its Order No. _____ dated the day of _____, 1955, The Ontario Municipal Board has approved of the said work and of the passing of this by-law;

NOW THEREFORE the Council of The Corporation of the City of Port Arthur enacts as follows:

1. That the Agreement annexed hereto and marked Schedule "A" to this by-law shall be and the same is hereby approved, adopted and confirmed, and that the Mayor and Clerk be and they are authorized to execute the said Agreement on behalf of The Corporation of the City of Port Arthur and to affix the seal of the Corporation thereto.

2. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$30,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of $4\frac{1}{2}\%$ per annum payable either annually or semi-annually and having coupons attached thereto for the payment of the interest.

3. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this by-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 5 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amount so designated in Schedule "B" hereto annexed.

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. The Mayor of the Corporation shall sign and issue the debentures and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The coupons shall be signed by the Treasurer and his signature thereto may be written, stamped, lithographed or engraved thereon.

6. In each year during the period of 5 years, the currency of the debentures, the sum set forth for such year in Column 5 of the said Schedule "B" shall be raised for the payment of the debt and interest, and shall be levied and raised in such year by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

8. The Corporation shall have the right at its option to redeem that portion of the said debentures which mature in the 5th or final year on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

9. The Mayor and Treasurer of the Corporation are hereby authorized to agree with any bank or person for temporary advances of money at a rate not exceeding $4\frac{1}{4}\%$ per annum, represented by a promissory note or promissory notes or by way of overdraft or otherwise, not exceeding \$30,000.00 to meet the cost of the said work pending the completion thereof on the security of and pending the issue and sale of the debentures to be issued under this by-law and to hypothecate the said debentures to such bank or person as security for such loan.

10. A promissory note or notes or other vouchers, sealed with the Corporate Seal and signed on behalf of the Corporation by the Mayor and Treasurer thereof, for the advances thereof from time to time obtained under the authority hereof and interest thereon, may be given to such bank or person, providing for the repayment of or representing advances with interest thereon as aforesaid. The Treasurer of the Corporation is hereby authorized and directed to apply first in payment of such advances with interest thereon as aforesaid, all monies borrowed on the credit of the Corporation to represent such advances and all monies from other sources properly applicable thereto.

11. This by-law shall not come into force or take effect until the same shall have been validated by a special Act of the Legislative Assembly of the Province of Ontario, or until the same shall have been approved by The Ontario Municipal Board.

ENACTED AND PASSED this 24th day of January, A.D. 1955.

Council Chambers, Port Arthur, Ontario.

(Corporate Seal of The Corporation
of the City of Port Arthur)

FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
Clerk.

FIRST READING: January 24th, 1955.
SECOND READING: January 24th, 1955.
THIRD READING: January 24th, 1955.

Schedule "A"

THIS AGREEMENT made this tenth day of January, one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the "City",

OF THE FIRST PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED, a Company
incorporated under the laws of the Province of Ontario,
hereinafter called the "Company",

OF THE SECOND PART.

WHEREAS the rink owned by the Company, and known as the Port Arthur Arena Rink, and in particular the artificial ice plant thereof are in need of substantial repairs and replacements, the estimated cost whereof is the sum of Thirty Thousand (\$30,000.00) Dollars;

AND WHEREAS the said Company is unable to provide the said sum and has applied to the City to lend to it the said sum of Thirty Thousand (\$30,000.00) Dollars for the said purposes, to be repaid by the Company to the City as hereinafter set out;

AND WHEREAS the City has agreed to make the said loan provided that the necessary authority therefor be granted to it by a special Act of the Legislative Assembly of the Province of Ontario;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree each with the other as follows:

1. The City will apply to the Legislative Assembly of the Province of Ontario at the next session thereof for the passing of an Act authorizing the City to loan to the Company the sum of Thirty Thousand (\$30,000.00) Dollars upon the security of a first Mortgage on the rink owned by the Company, and upon the terms and conditions hereinafter set forth, and validating and confirming this agreement.

2. If the act referred to in Paragraph 1 hereof shall be passed by the Legislative Assembly of the Province of Ontario, the City will borrow the sum of Thirty Thousand (\$30,000.00) Dollars upon debentures bearing interest at the rate of $4\frac{1}{2}\%$ and repayable within a period of five (5) years, and will pay to the Company the proceeds received by it from the sale of such debentures less all the costs and disbursements incurred by it in obtaining the passing of the said act, and the making of the said loan, or in any way whatsoever connected therewith, including but not so as to limit the generality of the foregoing the sum of Seventy-Five (\$75.00) Dollars for administration expenses; and the Company covenants and agrees that it will repay the said sum to the City, together with interest thereon, in the manner following, that is to say:

The said principal sum of Thirty Thousand (\$30,000.00) Dollars shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of May in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits, less all taxes and necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company.

The balance of principal from time to time outstanding shall bear interest at the same rate as the municipal debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually, in each year, one week before the date on which the interest on the said debentures is payable by the City. Interest in arrears shall bear interest at the rate aforesaid until paid as well after as before maturity and both before and after default, and shall be compounded with semi-annual rests. The first payment of interest shall be computed from the date of advance of the said monies to the Company and shall fall due and be paid in accordance with the preceding provisions of this paragraph. The Company shall be at liberty at any time to repay the whole or any part of the said indebtedness without notice or bonus; provided, however, that the Company shall continue to pay to the City the amount of interest payable by the City on the said debentures.

3. As security for the repayment of the said loan, the Company covenants and agrees to execute and deliver to the City a Mortgage, in form satisfactory to the City, upon the real estate, buildings and fixtures of the Company which together comprise the Port Arthur Arena Rink, hereinbefore referred to, which said Mortgage shall be a first Mortgage upon the said real estate, buildings and fixtures and shall contain the covenant of the Company that until the said Mortgage shall have been fully paid and satisfied, the Company shall not make or pay to its directors or shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage, shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgage.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. This agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors and assigns.

WITNESS the respective corporate seals of the City and of the Company duly attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of:

(Corporate Seal of The Corpora-
tion of the City of Port Arthur)(Corporate Seal of Port Arthur
Arena Company, Limited)THE CORPORATION OF THE CITY
OF PORT ARTHUR,FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
*Clerk.*PORT ARTHUR ARENA COMPANY,
LIMITED,G. F. McDOUGALL,
Vice-President.
F. H. BLACK,
Secretary.

Schedule "B"

ARENA RINK MORTGAGE

BY-LAW No.

AMOUNT: \$30,000.00

DUE:

TERM: 5 Years

INTEREST: 4½%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1st	\$1,350.00	\$5,483.75	\$6,833.75	\$24,516.25
2	2nd	1,103.23	5,730.52	6,833.75	18,785.73
3	3rd	845.36	5,988.39	6,833.75	12,797.34
4	4th	575.88	6,257.87	6,833.75	6,539.47
5	5th	294.28	6,539.47	6,833.75	Nil
		<u>\$4,168.75</u>	<u>\$30,000.00</u>	<u>\$34,168.75</u>	

BILL

An Act respecting the City of Port Arthur

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

No. 15

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Port Arthur

MR. WARDROPE

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 15

1955

BILL

An Act respecting the City of Port Arthur

WHEREAS The Corporation of the City of Port Arthur ^{Preamble} by its petition has represented that it has by By-law No. 3686, duly passed on the 24th day of January, 1955, authorized the issue of debentures for \$30,000 to provide for an advance of moneys to the Port Arthur Arena Company, Limited, for the purpose of making substantial repairs and replacements to the rink owned by the Company and in particular to the artificial ice plant thereof, and has authorized the execution on behalf of the Corporation of an Agreement between the Corporation and the Company in the terms of the Agreement set out as Schedule "A" to the said By-law; and whereas the said Agreement has been executed by the Corporation and by the Port Arthur Arena Company, Limited; and whereas the Corporation has prayed for special legislation with respect to such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, ^{By-law and Agreement confirmed} By-law No. 3686 of the City of Port Arthur, passed by the council of The Corporation of the City of Port Arthur on the 24th day of January, 1955, set forth as the Schedule hereto, and the Agreement entered into between the Corporation and the Port Arthur Arena Company, Limited, pursuant to the said By-law and appearing as Schedule "A" to the said By-law, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and upon the Port Arthur Arena Company, Limited.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The City of Port Arthur Act*, ^{Short title} 1955.

SCHEDULE

CITY OF PORT ARTHUR

BY-LAW No. 3686

A By-law to authorize the borrowing of \$30,000.00 upon debentures to provide for the making of an advance of monies to Port Arthur Arena Company, Limited, to defray the cost of certain substantial repairs and replacements to the rink owned by the Company.

WHEREAS the Council of The Corporation of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to lend to it the sum of \$30,000.00 to defray the cost of certain substantial repairs and replacements to the Arena rink owned by the Company and in particular the artificial ice plant thereof;

AND WHEREAS the said Council has agreed to make the said loan upon the terms and conditions set forth in the Agreement, a copy whereof is hereto annexed and marked Schedule "A" to this by-law;

AND WHEREAS it is necessary to borrow the said sum of \$30,000.00 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of $4\frac{1}{2}\%$ per annum, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of 5 years, of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary in each of the years during the said period of 5 years to raise the sum set forth for such year in Column 5 of Schedule "B" to this by-law;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$49,991,532.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$7,183,478.95, and no part of the principal or interest is in arrear;

AND WHEREAS by its Order No. _____ dated the day of _____, 1955, The Ontario Municipal Board has approved of the said work and of the passing of this by-law;

NOW THEREFORE the Council of The Corporation of the City of Port Arthur enacts as follows:

1. That the Agreement annexed hereto and marked Schedule "A" to this by-law shall be and the same is hereby approved, adopted and confirmed, and that the Mayor and Clerk be and they are authorized to execute the said Agreement on behalf of The Corporation of the City of Port Arthur and to affix the seal of the Corporation thereto.

2. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$30,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of $4\frac{1}{2}\%$ per annum payable either annually or semi-annually and having coupons attached thereto for the payment of the interest.

3. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this by-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 5 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amount so designated in Schedule "B" hereto annexed.

4. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. The Mayor of the Corporation shall sign and issue the debentures and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation. The coupons shall be signed by the Treasurer and his signature thereto may be written, stamped, lithographed or engraved thereon.

6. In each year during the period of 5 years, the currency of the debentures, the sum set forth for such year in Column 5 of the said Schedule "B" shall be raised for the payment of the debt and interest, and shall be levied and raised in such year by a special rate sufficient therefor, over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to municipal debentures in force at the time of the issue thereof.

8. The Corporation shall have the right at its option to redeem that portion of the said debentures which mature in the 5th or final year on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

9. The Mayor and Treasurer of the Corporation are hereby authorized to agree with any bank or person for temporary advances of money at a rate not exceeding $4\frac{1}{4}\%$ per annum, represented by a promissory note or promissory notes or by way of overdraft or otherwise, not exceeding \$30,000.00 to meet the cost of the said work pending the completion thereof on the security of and pending the issue and sale of the debentures to be issued under this by-law and to hypothecate the said debentures to such bank or person as security for such loan.

10. A promissory note or notes or other vouchers, sealed with the Corporate Seal and signed on behalf of the Corporation by the Mayor and Treasurer thereof, for the advances thereof from time to time obtained under the authority hereof and interest thereon, may be given to such bank or person, providing for the repayment of or representing advances with interest thereon as aforesaid. The Treasurer of the Corporation is hereby authorized and directed to apply first in payment of such advances with interest thereon as aforesaid, all monies borrowed on the credit of the Corporation to represent such advances and all monies from other sources properly applicable thereto.

11. This by-law shall not come into force or take effect until the same shall have been validated by a special Act of the Legislative Assembly of the Province of Ontario, or until the same shall have been approved by The Ontario Municipal Board.

ENACTED AND PASSED this 24th day of January, A.D. 1955.

Council Chambers, Port Arthur, Ontario.

(Corporate Seal of The Corporation
of the City of Port Arthur)

FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
Clerk.

FIRST READING: January 24th, 1955.

SECOND READING: January 24th, 1955.

THIRD READING: January 24th, 1955.

Schedule "A"

THIS AGREEMENT made this tenth day of January, one thousand nine hundred and fifty-five.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the "City",

OF THE FIRST PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED, a Company
incorporated under the laws of the Province of Ontario,
hereinafter called the "Company",

OF THE SECOND PART.

WHEREAS the rink owned by the Company, and known as the Port Arthur Arena Rink, and in particular the artificial ice plant thereof are in need of substantial repairs and replacements, the estimated cost whereof is the sum of Thirty Thousand (\$30,000.00) Dollars;

AND WHEREAS the said Company is unable to provide the said sum and has applied to the City to lend to it the said sum of Thirty Thousand (\$30,000.00) Dollars for the said purposes, to be repaid by the Company to the City as hereinafter set out;

AND WHEREAS the City has agreed to make the said loan provided that the necessary authority therefor be granted to it by a special Act of the Legislative Assembly of the Province of Ontario;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree each with the other as follows:

1. The City will apply to the Legislative Assembly of the Province of Ontario at the next session thereof for the passing of an Act authorizing the City to loan to the Company the sum of Thirty Thousand (\$30,000.00) Dollars upon the security of a first Mortgage on the rink owned by the Company, and upon the terms and conditions hereinafter set forth, and validating and confirming this agreement.

2. If the act referred to in Paragraph 1 hereof shall be passed by the Legislative Assembly of the Province of Ontario, the City will borrow the sum of Thirty Thousand (\$30,000.00) Dollars upon debentures bearing interest at the rate of $4\frac{1}{2}\%$ and repayable within a period of five (5) years, and will pay to the Company the proceeds received by it from the sale of such debentures less all the costs and disbursements incurred by it in obtaining the passing of the said act, and the making of the said loan, or in any way whatsoever connected therewith, including but not so as to limit the generality of the foregoing the sum of Seventy-Five (\$75.00) Dollars for administration expenses; and the Company covenants and agrees that it will repay the said sum to the City, together with interest thereon, in the manner following, that is to say:

The said principal sum of Thirty Thousand (\$30,000.00) Dollars shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of May in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits, less all taxes and necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company.

The balance of principal from time to time outstanding shall bear interest at the same rate as the municipal debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually, in each year, one week before the date on which the interest on the said debentures is payable by the City. Interest in arrears shall bear interest at the rate aforesaid until paid as well after as before maturity and both before and after default, and shall be compounded with semi-annual rests. The first payment of interest shall be computed from the date of advance of the said monies to the Company and shall fall due and be paid in accordance with the preceding provisions of this paragraph. The Company shall be at liberty at any time to repay the whole or any part of the said indebtedness without notice or bonus; provided, however, that the Company shall continue to pay to the City the amount of interest payable by the City on the said debentures.

3. As security for the repayment of the said loan, the Company covenants and agrees to execute and deliver to the City a Mortgage, in form satisfactory to the City, upon the real estate, buildings and fixtures of the Company which together comprise the Port Arthur Arena Rink, hereinbefore referred to, which said Mortgage shall be a first Mortgage upon the said real estate, buildings and fixtures and shall contain the covenant of the Company that until the said Mortgage shall have been fully paid and satisfied, the Company shall not make or pay to its directors or shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage, shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgage.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. This agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors and assigns.

WITNESS the respective corporate seals of the City and of the Company duly attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of:

(Corporate Seal of The Corpora-
tion of the City of Port Arthur)(Corporate Seal of Port Arthur
Arena Company, Limited)THE CORPORATION OF THE CITY
OF PORT ARTHUR,FRED O. ROBINSON,
Mayor.
ARTHUR H. EVANS,
*Clerk.*PORT ARTHUR ARENA COMPANY,
LIMITED,G. F. McDOUGALL,
Vice-President.
F. H. BLACK,
*Secretary.**Schedule "B"*

ARENA RINK MORTGAGE

By-LAW No.....

AMOUNT: \$30,000.00

DUE:.....

TERM: 5 Years

INTEREST: 4½%

Deb. No.	Year	Interest	Principal	Annual Payment	Balance
1	1st	\$1,350.00	\$5,483.75	\$6,833.75	\$24,516.25
2	2nd	1,103.23	5,730.52	6,833.75	18,785.73
3	3rd	845.36	5,988.39	6,833.75	12,797.34
4	4th	575.88	6,257.87	6,833.75	6,539.47
5	5th	294.28	6,539.47	6,833.75	Nil
		<u>\$4,168.75</u>	<u>\$30,000.00</u>	<u>\$34,168.75</u>	

BILL

An Act respecting the City of Port Arthur

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. WARDROPE

No. 16

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Township of North York

MR. BECKETT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 16

1955

BILL

An Act respecting the Township of North York

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding section 116 of *The Municipality of Metropolitan Toronto Act, 1953*, if the number of wards in the Township of North York is increased to eight, the council of the Corporation may by by-law provide that The Board of Education for the Township of North York shall be composed of nine members, eight of whom shall be elected annually on the basis of one member from each of the eight wards, and one of whom shall be appointed annually by a separate school board pursuant to *The Secondary Schools and Boards of Education Act, 1954*.

(2) A by-law under subsection 1 shall be passed not later in the year than the 1st day of November and shall take effect at and for the purposes of the annual election next after its passing.

2.—(1) The council of the Corporation, with the consent expressed by resolution of The Board of Education for the Township of North York, may pass by-laws for the construction, operation and maintenance of indoor or outdoor swimming pools on the property of the Board.

(2) The council of the Corporation may prescribe fees for admittance to or the use of any such swimming pool.

(3) The council of the Corporation may enter into an agreement with the Board with respect to the use of any

such swimming pool by or for the purposes of the Board and with respect to payment by the Board for such use.

Speed limits
Rev. Stat.,
c. 167

3. For the purposes of section 28 of *The Highway Traffic Act*, every highway within the Township of North York shall be deemed to be within a built-up area, provided that signs are displayed as required by the regulations under that Act respecting built-up areas.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Township of North York Act, 1955*.

BILL

An Act respecting the Township of
North York

1st Reading

2nd Reading

3rd Reading

MR. BECKETT

(Private Bill)

No. 16

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Township of North York

MR. BECKETT

(Reprinted as amended by the Committee on Private Bills)

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(2) A by-law under subsection 1 shall be passed not later in the year than the 1st day of November and shall take effect at and for the purposes of the annual election next after its passing. Time for passing by-law; effective date

(3) The elected members shall hold office for a term of two years and until their successors are elected and a new board is organized, and the appointed member shall hold office for a term of two years as provided in *The Secondary Schools and Boards of Education Act, 1954*. Term of office

(4) At the first election after the by-law is passed, the full number of elective members shall be elected but the by-law shall provide that the members first elected from four of the wards, designated in the by-law, shall hold office for two years and that the members first elected from the other four wards shall hold office for one year, and at each annual Staggered system


election after the first a member shall be elected, to hold office for two years, for each of the four wards in respect of which the term of office of the member is expiring.

Swimming
pools on
school
property

2.—(1) The council of the Corporation may pass by-laws,

- (a) for granting aid to The Board of Education for the Township of North York to pay in whole or in part for the construction by the Board of indoor or outdoor swimming pools on the property of the Board, and the granting of such aid shall be deemed to be a purpose of the Corporation;
- (b) for entering into agreements with the Board respecting the construction, control, operation, maintenance and repair of such pools, and in particular respecting the operation and use of such pools by the Corporation at other than school hours;
- (c) prescribing fees or charges for the use of or admission to such pools while the operation and use of the pools is under the control of the Corporation.

Idem

(2) The Board of Education for the Township of North York may enter into and carry out any agreement made with the Corporation pursuant to subsection 1. 

Commence-
ment

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Short title

4. This Act may be cited as *The Township of North York Act, 1955*.

BILL

An Act respecting the Township of
North York

1st Reading

February 18th, 1955

2nd Reading

3rd Reading

MR. BECKETT

*(Reprinted as amended by the Committee
on Private Bills)*

No. 16

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Township of North York

MR. BECKETT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 16

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(2) A by-law under subsection 1 shall be passed not later in the year than the 1st day of November and shall take effect at and for the purposes of the annual election next after its passing. Time for passing by-law; effective date

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Swimming
pools on
school
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- (b) for entering into agreements with the Board respecting the construction, control, operation, maintenance and repair of such pools, and in particular respecting the operation and use of such pools by the Corporation at other than school hours;
- (c) prescribing fees or charges for the use of or admission to such pools while the operation and use of the pools is under the control of the Corporation.

Idem

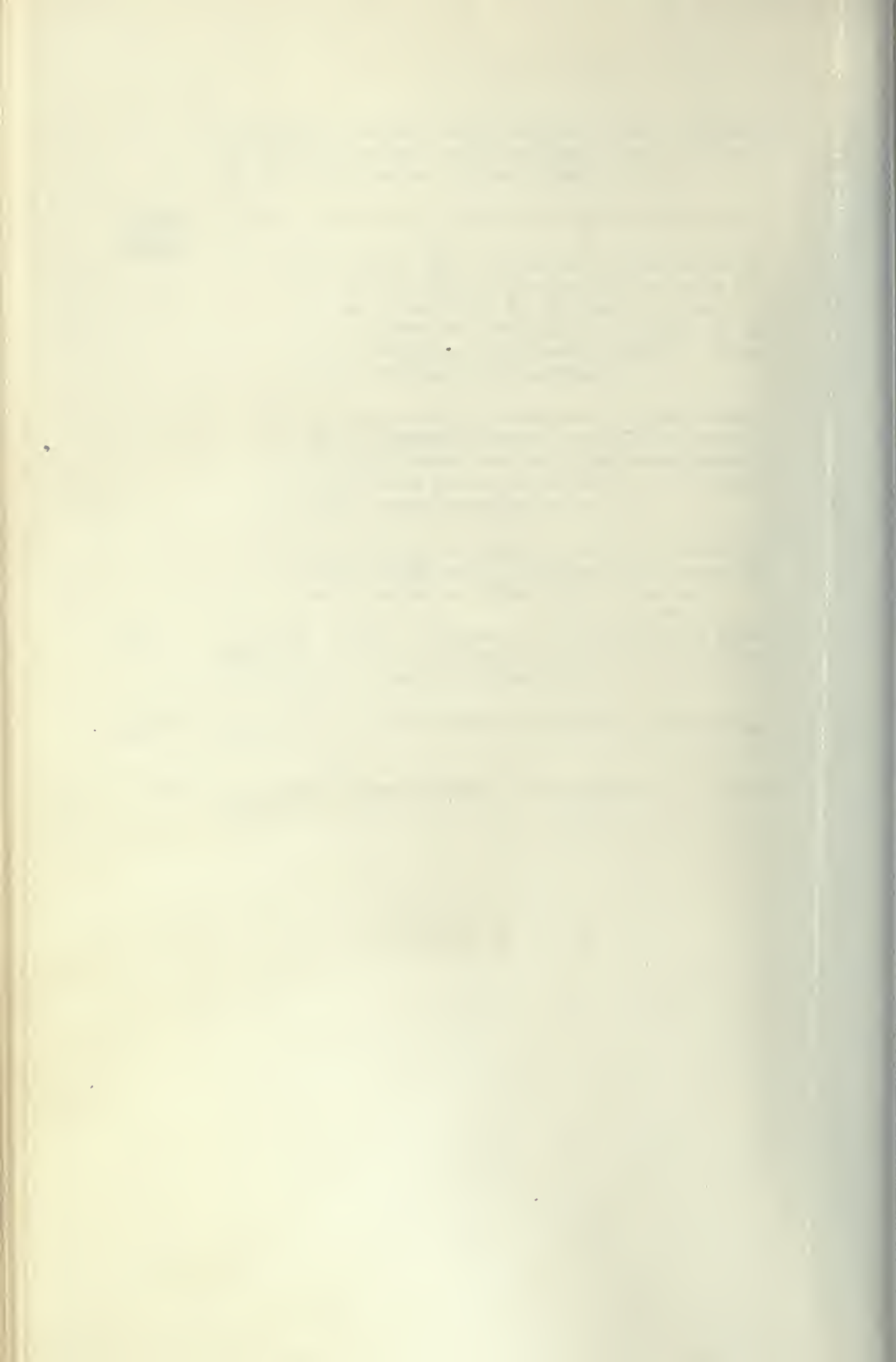
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Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of North York Act, 1955*.



BILL

An Act respecting the Township of
North York

1st Reading

February 18th, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 14th, 1955

MR. BECKETT

No. 17

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of Kincardine

MR. JOHNSTONE (Bruce)

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 17

1955

BILL

An Act respecting the Town of Kincardine

WHEREAS The Corporation of the Town of Kincardine, ^{Preamble} hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The purchase by the Corporation of the lands ^{Purchase of} described in Schedule A, by deed dated the 6th day of May, ^{lands} 1954, and registered in the Registry Office for the Registry Division of the County of Bruce on the 8th day of June, 1954, as No. 13610 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation. ^{validated}

(2) The sale of such lands by the Corporation to Yale ^{Sale} Rubber Manufacturing Company, hereinafter called the Yale ^{validated} Company, by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

2.—(1) The purchase by the Corporation of the lands ^{Purchase of} described in Schedule B, by deed dated the 29th day of May, ^{lands} 1954, and registered in the Registry Office for the Registry ^{validated}

Division of the County of Bruce on the 8th day of June, 1954, as No. 13608 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation.

Sale
validated

(2) The sale of such lands by the Corporation to the Yale Company by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Sale of
lands
validated

3. The sale of the lands described in Schedule C by Frank A. Kling and Stewart Carmon Rowcliffe, carrying on business as partners under the firm name and style of "Kincardine Lumber Company" to the Yale Company, by deed dated the 14th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13717 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Power to
acquire
certain
lands

4.—(1) The Corporation may purchase the whole or any part of the lands acquired for the public purposes of the Province of Ontario and shown coloured red on a plan deposited in the Registry Office for the Registry Division of the County of Bruce on the 28th day of February, 1944, as No. 584.

Sale of lands

(2) The Corporation may at any time sell any lands acquired by the Corporation under subsection 1, and section 347 of *The Municipal Act* shall apply to any such sale.

Rev. Stat.,
c. 243

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Kincardine Act, 1955*.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Four (4) and Five (5) on the North side of Bruce Avenue and that part of Lot Three (3) on the North side of Bruce Avenue lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Ten (10), Eleven (11), and Twelve (12) on the West side of Alice Street and that part of Lots Thirteen (13) and Fourteen (14) on the West side of Alice Street lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Fifty-nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) on the West side of Alice Street and the North side of Bruce Avenue as shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

BILL

An Act respecting the Town of
Kincairdine

1st Reading

2nd Reading

3rd Reading

MR. JOHNSTONE (Bruce)

(Private Bill)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Town of Kincardine

Mr. JOHNSTONE (Bruce)

THE HOUSE OF REPRESENTATIVES
IN SENATE, FEBRUARY 1, 1871.

BILL

FOR THE PURPOSE OF

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No. 17

1955

BILL

An Act respecting the Town of Kincardine

WHEREAS The Corporation of the Town of Kincardine, ^{Preamble} hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The purchase by the Corporation of the lands ^{Purchase of} described in Schedule A, by deed dated the 6th day of May, ^{lands} 1954, and registered in the Registry Office for the Registry ^{validated} Division of the County of Bruce on the 8th day of June, 1954, as No. 13610 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation.

(2) The sale of such lands by the Corporation to Yale ^{Sale} Rubber Manufacturing Company, hereinafter called the Yale ^{validated} Company, by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

2.—(1) The purchase by the Corporation of the lands ^{Purchase of} described in Schedule B, by deed dated the 29th day of May, ^{lands} 1954, and registered in the Registry Office for the Registry ^{validated}

Division of the County of Bruce on the 8th day of June, 1954, as No. 13608 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Corporation by such deed shall be deemed to have had the effect of vesting the lands in the Corporation in fee simple, clear of and free from all right and interest other than that of the Corporation, and the lands shall be deemed to have been acquired for the purposes of the Corporation.

Sale
validated

(2) The sale of such lands by the Corporation to the Yale Company by deed dated the 11th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13718 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Sale of
lands
validated

3. The sale of the lands described in Schedule C by Frank A. Kling and Stewart Carmon Rowcliffe, carrying on business as partners under the firm name and style of "Kincardine Lumber Company" to the Yale Company, by deed dated the 14th day of January, 1955, and registered in the Registry Office for the Registry Division of the County of Bruce on the 27th day of January, 1955, as No. 13717 for the Town of Kincardine, is ratified, confirmed and declared to be legal, valid and binding, and the conveyance of such lands to the Yale Company by such deed shall be deemed to have had the effect of vesting such lands in the Yale Company in fee simple, clear of and free from all right and interest other than that of the Yale Company.

Power to
acquire
certain
lands

4.—(1) The Corporation may purchase the whole or any part of the lands acquired for the public purposes of the Province of Ontario and shown coloured red on a plan deposited in the Registry Office for the Registry Division of the County of Bruce on the 28th day of February, 1944, as No. 584.

Sale of lands

(2) The Corporation may at any time sell any lands acquired by the Corporation under subsection 1, and section 347 of *The Municipal Act* shall apply to any such sale.

Rev. Stat.,
c. 243

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Kincardine Act, 1955*.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Four (4) and Five (5) on the North side of Bruce Avenue and that part of Lot Three (3) on the North side of Bruce Avenue lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Ten (10), Eleven (11), and Twelve (12) on the West side of Alice Street and that part of Lots Thirteen (13) and Fourteen (14) on the West side of Alice Street lying east of the easterly limit of the lands acquired for public purposes and shown outlined in red on a Plan on record in the Registry Office for the County of Bruce and known as Deposited Plan Number Five Hundred and Eighty-four (584), the said Lots being shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

SCHEDULE C

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being, in the Town of Kincardine, in the County of Bruce and the Province of Ontario, and being composed of all of Lots Fifty-nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) on the West side of Queen Street and the North side of Bruce Avenue as shown on Registered Plan Number Sixty-one (61) for the County of Bruce.

BILL

An Act respecting the Town of
Kincardine

1st Reading

February 18th, 1955

2nd Reading

March 8th, 1955

3rd Reading

March 14th, 1955

MR. JOHNSTONE (Bruce)

No. 18

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The Belleville General Hospital

MR. SANDERCOCK

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Belleville General Hospital

WHEREAS The Corporation of the City of Belleville Preamble by its petition has prayed for special legislation to provide for an increase in the membership of the Board of Governors of The Belleville General Hospital and to increase the quorum of the Board; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The City of Belleville Act, 1948* is amended by striking out the word "fifteen" in 1948, c. 102, s. 4, subs. 1, amended the third line and inserting in lieu thereof the word "sixteen" and by inserting after the word "Association" in the eighth line the words "one shall be appointed annually by the Women's Hospital Auxiliary of the Hospital;", so that the subsection shall read as follows:

- (1) The management and control of the Hospital, Board of Governors including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of sixteen governors, of whom one shall be appointed by the Lieutenant-Governor in Council who shall hold office during his pleasure; one shall be appointed in accordance with the regulations under Rev. Stat., c. 307 *The Public Hospitals Act*; two shall be appointed annually by the Association; one shall be appointed annually by the Women's Hospital Auxiliary of the Hospital; one shall be appointed annually by the council of the County of Hastings; and eight shall be appointed by the council of the City of Belleville from ratepayers of the City; and the Warden of the County of Hastings and the Mayor of the City of Belleville shall *ex officio* be Governors.

(2) Subsection 6 of the said section 4 is amended by striking out the word "fifteen" in the fourth line and inserting in lieu thereof the word "sixteen", so that the subsection shall read as follows: 1948, c. 102, s. 4, subs. 6, amended

Vacancies

- (6) Whenever, from any cause, the office of an appointed Governor becomes vacant prior to the expiration of his term of office, his successor shall be appointed without unnecessary delay so as to keep the membership of the Board up to sixteen, and the person so appointed shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

1948, c. 102,
s. 4, subs. 7,
amended

- (3) Subsection 7 of the said section 4 is amended by striking out the word "Seven" at the commencement thereof and inserting in lieu thereof the word "Nine", so that the subsection shall read as follows:

Quorum

- (7) Nine members shall constitute a quorum of the Board.

1948, c. 102,
s. 4, subs. 8,
amended

- (4) Subsection 8 of the said section 4 is amended by inserting after the word "Association" in the second line the words "or by the Women's Hospital Auxiliary," so that the subsection shall read as follows:

Absence of members

- (8) Any member of the Board of Governors appointed by the Association, or by the Women's Hospital Auxiliary, or by the council of the Corporation, or the council of the County of Hastings, who is absent from four successive regular meetings of the Board shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed.

Commencement

2. This Act comes into force on the 1st day of May, 1955.

Short title

3. This Act may be cited as *The Belleville General Hospital Act, 1955*.

BILL
An Act respecting The Belleville
General Hospital

1st Reading

2nd Reading

3rd Reading

MR. SANDERCOCK

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

BILL

An Act respecting The Belleville General Hospital

MR. SANDERCOCK

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

THE SECRETARY OF THE
TREASURY

BILL

FOR THE PROTECTION OF THE INTERESTS OF THE

UNITED STATES

IN SENATE,
JANUARY 1875.

No. 18

1955

BILL

An Act respecting The Belleville General Hospital

WHEREAS The Corporation of the City of Belleville Preamble by its petition has prayed for special legislation to provide for an increase in the membership of the Board of Governors of The Belleville General Hospital and to increase the quorum of the Board; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The City of Belleville Act, 1948* is amended by striking out the word "fifteen" in 1948, c. 102, s. 4, subs. 1, amended the third line and inserting in lieu thereof the word "sixteen" and by inserting after the word "Association" in the eighth line the words "one shall be appointed annually by the Women's Hospital Auxiliary of the Hospital;", so that the subsection shall read as follows:

(1) The management and control of the Hospital, Board of Governors including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of sixteen governors, of whom one shall be appointed by the Lieutenant-Governor in Council who shall hold office during his pleasure; one shall be appointed in accordance with the regulations under *The Public Hospitals Act*; two shall be appointed Rev. Stat., c. 307 annually by the Association; one shall be appointed annually by the Women's Hospital Auxiliary of the Hospital; one shall be appointed annually by the council of the County of Hastings; and eight shall be appointed by the council of the City of Belleville from ratepayers of the City; and the Warden of the County of Hastings and the Mayor of the City of Belleville shall *ex officio* be Governors.

(2) Subsection 6 of the said section 4 is amended by striking 1948, c. 102, s. 4, subs. 6, amended out the word "fifteen" in the fourth line and inserting in lieu thereof the word "sixteen", so that the subsection shall read as follows:

Vacancies

- (6) Whenever, from any cause, the office of an appointed Governor becomes vacant prior to the expiration of his term of office, his successor shall be appointed without unnecessary delay so as to keep the membership of the Board up to sixteen, and the person so appointed shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

1948, c. 102,
s. 4, subs. 7,
amended

- (3) Subsection 7 of the said section 4 is amended by striking out the word "Seven" at the commencement thereof and inserting in lieu thereof the word "Nine", so that the subsection shall read as follows:

Quorum

- (7) Nine members shall constitute a quorum of the Board.

1948, c. 102,
s. 4, subs. 8,
amended

- (4) Subsection 8 of the said section 4 is amended by inserting after the word "Association" in the second line the words "or by the Women's Hospital Auxiliary," so that the subsection shall read as follows:

Absence of members

- (8) Any member of the Board of Governors appointed by the Association, or by the Women's Hospital Auxiliary, or by the council of the Corporation, or the council of the County of Hastings, who is absent from four successive regular meetings of the Board shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed.

Commencement

- 2.** This Act comes into force on the 1st day of May, 1955.

Short title

- 3.** This Act may be cited as *The Belleville General Hospital Act, 1955*.

BILL

An Act respecting The Belleville
General Hospital

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. SANDERCOCK

No. 19

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the City of Windsor

MR. REAUME

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 19

1955

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor Preamble
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946*, as re-enacted 1946
c. 145, s. 10
by section 1 of *The City of Windsor Act, 1950*, is repealed (1950
c. 117, s. 1),
re-enacted
and the following substituted therefor:

10.—(1) In this section,

Interpre-
tation

(a) "governor" means a member of the Board of
Governors of The Metropolitan General Hos-
pital;

(b) "Hospital" means The Metropolitan General
Hospital in the City of Windsor.

(2) The management, control and maintenance of the Manage-
ment, etc.,
of Hospital
Hospital and the custody of all real and personal
property belonging to or used in connection therewith
shall be vested in a board of not less than nine and
not more than eleven governors.

(3) The Board of Governors shall be composed of,

Constitution
of Board
of Governors

(a) five governors to be appointed by the Council
of whom,

(i) two shall be members of the Council,
other than the Mayor,

(ii) three shall be resident ratepayers of the
City, other than members of the Council;

Rev. Stat.,
c. 307

(b) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;

(c) one governor to be appointed by the Metropolitan General Hospital Aid Society; and

(d) two additional governors to be appointed by the governors appointed under clauses *a* to *c*.

Term of
office

(4) Subject to subsection 5, governors appointed under clauses *a*, *c* and *d* of subsection 3 shall hold office for a term of three years.

Idem

(5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination

(6) Notwithstanding any other provision of this section, a governor appointed,

(a) by the Council under subclause i of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the Council;

(b) by the governors under clause *d* of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.

Time for
appoint-
ments

(7) All appointments to the Board of Governors shall be made in the month of January.

Absence
from
meetings

(8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board.

Vacancies

(9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected, as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office.

Quorum

(10) Five members shall constitute a quorum of the Board of Governors.

- (11) The Board of Governors may by by-law from time ^{Elected governors} to time provide for the election of not less than two and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election.

2. Subsection 3 of section 12 of *The City of Windsor Act*, ^{1946,} ^{c. 145, s. 12,} ^{subs. 3,} ^{re-enacted} 1946 is repealed and the following substituted therefor:

- (3) The Board of Governors may borrow from time to ^{Borrowing powers, and temporary advances} time, subject to the approval of the Council, such sums as may be required for the current operating purposes of the Hospital; provided that the amount of such borrowings shall not exceed \$200,000 at any one time, and the Council shall be empowered to make temporary advances to the Board from time to time for such purposes.

3.—(1) Subsection 1 of section 5 of *The City of Windsor Act*, ^{1953,} ^{c. 135, s. 5,} ^{subs. 1,} ^{amended} 1953 is amended by striking out the symbol and figures "\$25,000" in the third line and inserting in lieu thereof the symbol and figures "\$100,000", so that the subsection shall read as follows:

- (1) The council of The Corporation of the City of Windsor may appropriate and expend a sum not ^{Power to expend \$100,000 for centenary celebration} exceeding \$100,000 out of the current revenues of the City in celebration of the centenary of the incorporation of the City of Windsor and may, by resolution, provide that the control and expenditure of the said sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the purpose of carrying out ^{Rev. Stat., c. 59} the centenary celebration, with power to the corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation.

(2) Subsection 3 of the said section 5 is amended by striking ^{1953,} ^{c. 135, s. 5,} ^{subs. 3,} ^{amended} out the symbol and figures "\$25,000" in the second line and inserting in lieu thereof the symbol and figures "\$100,000", so that the subsection shall read as follows:

Reserve of
\$25,000

- (3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$100,000, the council may pay additional sums, not exceeding \$25,000, out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Heating
by-law
confirmed

4. By-law No. 1152 passed by The Corporation of the City of Windsor on the 16th day of March, 1954, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding within the City of Windsor.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Windsor Act, 1955*.

SCHEDULE

BY-LAW NO. 1152

A By-law to require adequate and suitable heat for rented dwelling accommodation.

Passed the 16th day of March, 1954

WHEREAS it is deemed expedient to adopt regulations to ensure the provision and maintenance of adequate and suitable heat for rented dwelling accommodation during the periods of the year hereinafter specified;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the 15th day of October in each year and the 15th day of May of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purpose of this by-law "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 70° Fahrenheit.

2. The Medical Officer of Health or any person acting under his instructions, upon the written request of any tenant or lessee, shall enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation; and any person in charge of such premises for the time being, shall render such aid to the Medical Officer of Health or person acting under his instructions, as may be necessary to make such inspection or examination.

3. No person shall obstruct, hinder, delay or prevent the Medical Officer of Health or any person acting under his instructions in the exercise of any power conferred or the performance of any duty imposed by this by-law.

4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of Two Hundred Dollars (\$200.00) for each offence.

5. Any penalty imposed by or under the authority of this by-law shall be recoverable under *The Summary Convictions Act*.

6. This by-law shall come into force and take effect on the first day of October, 1955.

A. J. REAUME,
Mayor.

(Seal)

C. V. WATERS,
Clerk.

First Reading—March 16, 1954
Second Reading—March 16, 1954
Third Reading—March 16, 1954

BILL

An Act respecting the City of Windsor

1st Reading

2nd Reading

3rd Reading

MR. REAUME

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

BILL

An Act respecting the City of Windsor

MR. REAUME

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 19

1955

BILL

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor Preamble
by its petition has prayed for special legislation in
respect of the several matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The City of Windsor Act, 1946*, as re-enacted 1946
c. 145, s. 10
by section 1 of *The City of Windsor Act, 1950*, is repealed (1950
c. 117, s. 1),
re-enacted
and the following substituted therefor:

10.—(1) In this section,

Interpre-
tation

(a) "governor" means a member of the Board of
Governors of The Metropolitan General Hos-
pital;

(b) "Hospital" means The Metropolitan General
Hospital in the City of Windsor.

(2) The management, control and maintenance of the Manage-
ment, etc.,
of Hospital
Hospital and the custody of all real and personal
property belonging to or used in connection therewith
shall be vested in a board of not less than nine and
not more than eleven governors.

(3) The Board of Governors shall be composed of,

Constitution
of Board
of Governors

(a) five governors to be appointed by the Council
of whom,

(i) two shall be members of the Council,
other than the Mayor,

(ii) three shall be resident ratepayers of the
City, other than members of the Council;

Rev. Stat.,
c. 307

(b) one governor who shall be the member of the medical staff prescribed by the regulations under *The Public Hospitals Act*;

(c) one governor to be appointed by the Metropolitan General Hospital Aid Society; and

(d) two additional governors to be appointed by the governors appointed under clauses *a* to *c*.

Term of
office

(4) Subject to subsection 5, governors appointed under clauses *a*, *c* and *d* of subsection 3 shall hold office for a term of three years.

Idem

(5) All governors shall remain in office until their successors are appointed or elected, but no governor shall hold office for longer than six consecutive years; any governor in office for six consecutive years shall be eligible for re-appointment or re-election after the lapse of one year.

Termination

(6) Notwithstanding any other provision of this section, a governor appointed,

(a) by the Council under subclause *i* of clause *a* of subsection 3 shall cease to hold office when he ceases to be a member of the Council;

(b) by the governors under clause *d* of subsection 3 shall cease to hold office when a Benefactors' and Subscribers' Association has been established and has elected members.

Time for
appoint-
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(7) All appointments to the Board of Governors shall be made in the month of January.

Absence
from
meetings

(8) Any member of the Board of Governors who is absent from four consecutive regular meetings of the Board, shall cease to be a member thereof, unless he has obtained leave of absence from the Board.

Vacancies

(9) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected, as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office.

Quorum

(10) Five members shall constitute a quorum of the Board of Governors.

- (11) The Board of Governors may by by-law from time ^{Elected} to time provide for the election of not less than two ^{governors} and not more than four additional persons as members of the Board by benefactors of and subscribers to the funds of the Hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election.

2. Subsection 3 of section 12 of *The City of Windsor Act*, ^{1946,} ^{c. 145, s. 12,} ^{subs. 3,} ^{re-enacted} 1946 is repealed and the following substituted therefor:

- (3) The Board of Governors may borrow from time to time, subject to the approval of the Council, such sums as may be required for the current operating purposes of the Hospital; provided that the amount of such borrowings shall not exceed \$200,000 at any one time, and the Council shall be empowered to make temporary advances to the Board from time to time for such purposes. ^{Borrowing} ^{powers, and} ^{temporary} ^{advances}

3.—(1) Subsection 1 of section 5 of *The City of Windsor Act*, ^{1953,} ^{c. 135, s. 5,} ^{subs. 1,} ^{amended} 1953 is amended by striking out the symbol and figures "\$25,000" in the third line and inserting in lieu thereof the symbol and figures "\$100,000", so that the subsection shall read as follows:

- (1) The council of The Corporation of the City of Windsor may appropriate and expend a sum not ^{Power to} ^{expend} ^{\$100,000} ^{for cen-} ^{tenary} ^{celebration} exceeding \$100,000 out of the current revenues of the City in celebration of the centenary of the incorporation of the City of Windsor and may, by resolution, provide that the control and expenditure of the said sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the purpose of carrying out the centenary celebration, with power to the corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation. ^{Rev. Stat.,} ^{c. 59}

(2) Subsection 3 of the said section 5 is amended by striking out the symbol and figures "\$25,000" in the second line and ^{1953,} ^{c. 135, s. 5,} ^{subs. 3,} ^{amended} inserting in lieu thereof the symbol and figures "\$100,000", so that the subsection shall read as follows:

Reserve of
\$25,000

- (3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$100,000, the council may pay additional sums, not exceeding \$25,000, out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Heating
by-law
confirmed

4. By-law No. 1152 passed by The Corporation of the City of Windsor on the 16th day of March, 1954, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding within the City of Windsor.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Windsor Act, 1955*.

SCHEDULE

By-Law No. 1152

A By-law to require adequate and suitable heat for rented dwelling accommodation.

Passed the 16th day of March, 1954

WHEREAS it is deemed expedient to adopt regulations to ensure the provision and maintenance of adequate and suitable heat for rented dwelling accommodation during the periods of the year hereinafter specified;

THEREFORE the Municipal Council of The Corporation of the City of Windsor enacts as follows:

1. Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the 15th day of October in each year and the 15th day of May of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purpose of this by-law "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 70° Fahrenheit.

2. The Medical Officer of Health or any person acting under his instructions, upon the written request of any tenant or lessee, shall enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation; and any person in charge of such premises for the time being, shall render such aid to the Medical Officer of Health or person acting under his instructions, as may be necessary to make such inspection or examination.

3. No person shall obstruct, hinder, delay or prevent the Medical Officer of Health or any person acting under his instructions in the exercise of any power conferred or the performance of any duty imposed by this by-law.

4. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate a penalty not exceeding (exclusive of costs) the sum of Two Hundred Dollars (\$200.00) for each offence.

5. Any penalty imposed by or under the authority of this by-law shall be recoverable under *The Summary Convictions Act*.

6. This by-law shall come into force and take effect on the first day of October, 1955.

A. J. REAUME,
Mayor.

(Seal)

C. V. WATERS,
Clerk.

First Reading—March 16, 1954
Second Reading—March 16, 1954
Third Reading—March 16, 1954

BILL

An Act respecting the City of Windsor

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. REAUME

No. 20

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the Municipality of Shuniah

MR. WARDROPE

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 20

1955

BILL

An Act respecting the Municipality of Shuniah

WHEREAS The Corporation of the Municipality of Shuniah, in the District of Thunder Bay, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Municipality of Shuniah Act, 1936* is amended by inserting after the word "expenses" in the fourth line the words "and for school purposes", so that the section shall read as follows:

9. When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the rate-payers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted

from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Short title

3. This Act may be cited as *The Municipality of Shuniah Act, 1955*.

BILL
An Act respecting the Municipality of
Shuniah

1st Reading

2nd Reading

3rd Reading

MR. WARDROPE

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

BILL

An Act respecting the Municipality of Shuniah

MR. WARDROPE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 20

1955

BILL

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WHEREAS The Corporation of the Municipality of Shuniah, in the District of Thunder Bay, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Municipality of Shuniah Act, 1936* is amended by inserting after the word "expenses" in the fourth line the words "and for school purposes", so that the section shall read as follows:

9. When preparing the annual estimates of revenues and expenditures a separate estimate shall be made for each ward of the municipality setting out and apportioning the moneys necessary to be raised for general and administrative expenses and for school purposes and for carrying on the affairs of and meeting all expenditures in each ward, separately from any other ward or wards, and in striking the annual rate a separate and distinct rate of taxation shall be struck for each ward so as to levy by taxation on the rateable property in each ward the moneys necessary to meet the expenditures in that ward, independently of any other ward or wards, and such rate when struck and confirmed by by-law of the council shall be binding on each ward and the rate-payers thereof. If in any year in any ward the moneys expended in that ward have exceeded the amount of moneys levied by taxation in that ward during that year, then any such excess of expenditure shall be added to the estimates when striking the rate for that ward in the following year, but if in any year in any ward the moneys levied by taxation in that ward have exceeded the expenditures in that ward then such excess of levies shall be deducted

1936,
o. 83, s. 9.
amended

from the estimates when striking the rate for that ward in the following year or set up on the books as surplus and specifically identified as being a credit of the ward in which such surplus arose.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1955.

Short title

3. This Act may be cited as *The Municipality of Shuniah Act, 1955*.

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Translator: *Dr. J. H. M. J. VAN DIJK*, *Professor of History, University of Amsterdam*

BILL

An Act respecting the Municipality of
Shuniah

1st Reading

February 28th, 1955

2nd Reading

March 18th, 1955

3rd Reading

March 23rd, 1955

MR. WARDROPE

No. 21

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Toronto

MR. WEAVER

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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No. 21

1955

BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws United Jewish Welfare Fund of Toronto—tax exemption Rev. Stat., c. 24 exempting from municipal taxes, other than local improvement charges, such part of the land, as defined in *The Assessment Act*, at 145 and at 150-152 Beverley Street in the City of Toronto, as is owned by the United Jewish Welfare Fund of Toronto, so long as such part is occupied and used by the United Jewish Welfare Fund of Toronto or by some organization or institution conducted on philanthropic principles and not for the purpose of profit or gain, under the direction of the United Jewish Welfare Fund of Toronto.

2.—(1) The council of the Corporation is authorized to Paving of lanes acquire or expropriate reserve strips and other small parcels of land adjoining or abutting a lane as part of the work of paving such lane under *The Local Improvement Act*. Rev. Stat., c. 215

(2) The council shall dedicate any reserve strips and other Idem small parcels of land acquired or expropriated under subsection 1 as part of the lane before the work is completed.

(3) For the purposes of *The Local Improvement Act*, such Idem reserve strips and other small parcels of land shall be deemed to form part of the lane.

3.—(1) The council of the Corporation may pass by-laws Special undertakings for acquiring, erecting, altering, maintaining, operating or managing, or for granting aid for the acquisition, erection, alteration, maintenance, operation or management of arenas, auditoriums, buildings or structures in parks, recreational

areas, health or community centres, playgrounds, athletic fields, stadia or other places of recreation and amusement within the municipality.

Authority to
borrow
money

(2) The council of The Municipality of Metropolitan Toronto may borrow money for any of the purposes of this section upon the request of the Corporation, without the assent of the electors of the City of Toronto, and the council of the Corporation may levy therefor or for any of the purposes of this section on the rateable property in the municipality or in any defined area thereof.

Authority to
convey

(3) The council of the Corporation may convey the land acquired for any of the purposes set out in this section to any person or corporation upon such terms and conditions as the council may determine.

1936,
c. 84, s. 6,
subs. 10
(1938,
c. 73, s. 6),
re-enacted

4. Subsection 10 of section 6 of *The City of Toronto Act, 1936*, as enacted by section 6 of *The City of Toronto Act, 1938*, is repealed and the following substituted therefor:

Power of
inspector
to enter
dwellings

(10) For the enforcement of any by-law passed under the authority of this section or of any by-law to provide for the safety of buildings, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125, and section 126 of the said Act shall *mutatis mutandis* apply.

Rev. Stat.,
c. 306

Power
to close
dwelling and
prohibit
its use

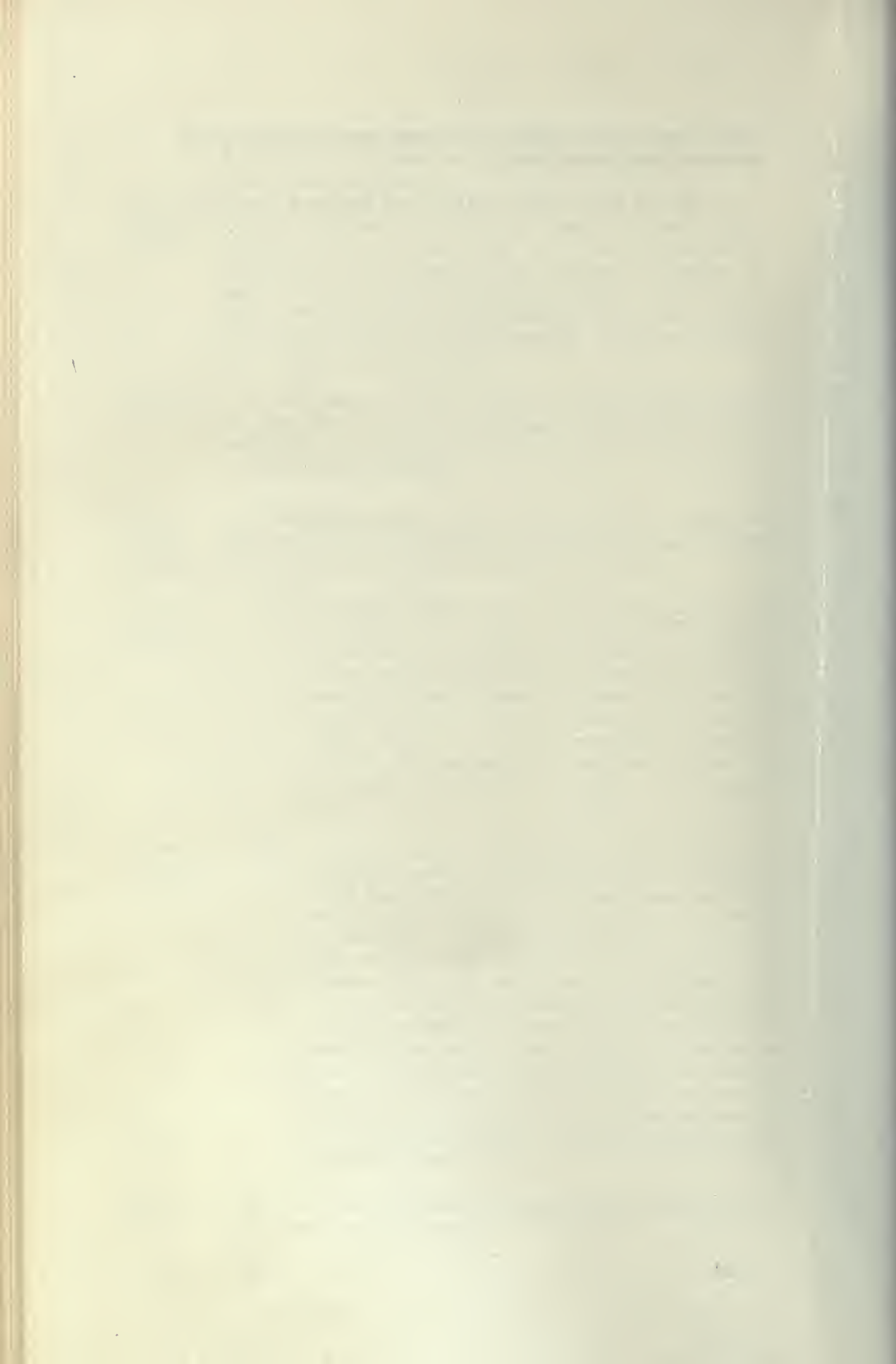
(10a) Where a conviction has been recorded against any person in respect of a dwelling or part of a dwelling which does not conform to a by-law passed under the authority of this section or to any by-law to provide for the safety of buildings, the inspector may order that any such dwelling or part of a dwelling which he believes to be unfit for human habitation be closed and remain closed, and prohibit its use as a dwelling, until the condition has been rectified, provided that notice of the order is given forthwith to the owner or to an adult person in the dwelling house; and the inspector may give such notice in addition to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he deems necessary.

Commence-
ment

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on *Idem* the 1st day of January, 1955.

6. This Act may be cited as *The City of Toronto Act, 1955*. Short title



BILL

An Act respecting the City of Toronto

1st Reading

2nd Reading

3rd Reading

MR. WEAVER

(Private Bill)

No. 21

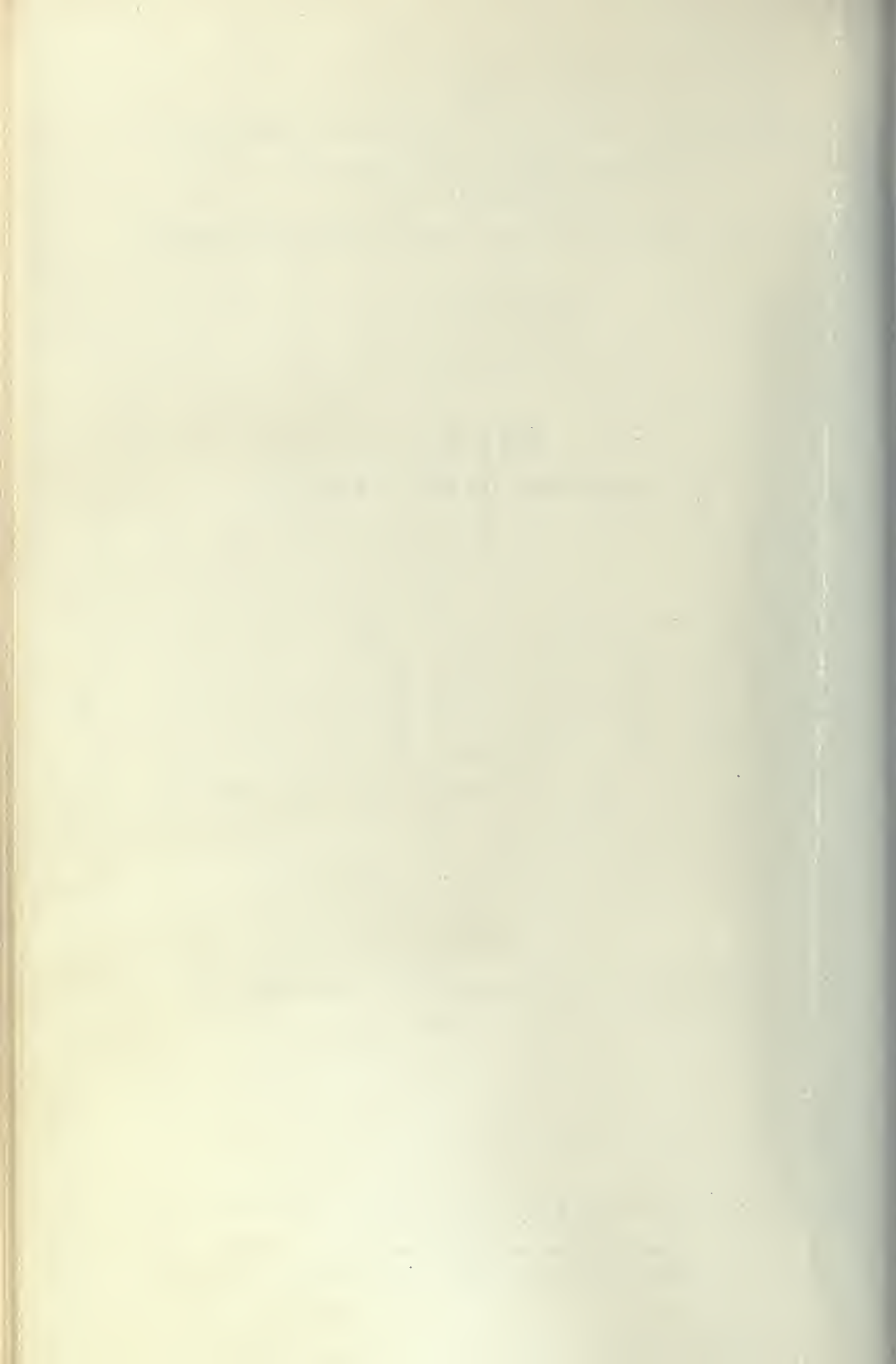
5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Toronto

MR. WEAVER

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation may pass by-laws United
Jewish
Welfare
Fund of
Toronto—
tax
exemption
Rev. Stat.,
c. 24
exempting from municipal taxes, other than local improvement
charges, such part of the land, as defined in *The Assessment
Act*, at 145 and at 150-152 Beverley Street in the City of
Toronto, as is owned by the United Jewish Welfare Fund of
Toronto, so long as such part is occupied and used by the
United Jewish Welfare Fund of Toronto or by some organiza-
tion or institution conducted on philanthropic principles and
not for the purpose of profit or gain, under the direction of the
United Jewish Welfare Fund of Toronto.

2.—(1) The council of the Corporation is authorized to Paving of
lanes
acquire or expropriate reserve strips and other small parcels
of land adjoining or abutting a lane as part of the work of
paving such lane under *The Local Improvement Act*. Rev. Stat.,
c. 215

(2) The council shall dedicate any reserve strips and other Idem
small parcels of land acquired or expropriated under sub-
section 1 as part of the lane before the work is completed.

(3) For the purposes of *The Local Improvement Act*, such Idem
reserve strips and other small parcels of land shall be deemed
to form part of the lane.

3.—(1) The Corporation may acquire land for the pur- O'Keefe
Foundation
poses of The O'Keefe Foundation.

(2) The Corporation may convey the land so acquired to Idem
The O'Keefe Foundation upon payment to the Corporation
of any expenses incurred by it in connection with the acquisi-
tion and transfer of such land.

1936,
c. 84, s. 6,
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- (10) For the enforcement of any by-law passed under the authority of this section or of any by-law to provide for the safety of buildings, the inspector and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the provisions of sections 82, 123, 124, subsections 2 and 3 of section 125, and section 126 of the said Act shall *mutatis mutandis* apply.

Rev. Stat.,
c. 306

Power
to close
dwelling and
prohibit
its use

- (10a) Where a conviction has been recorded against any person in respect of a dwelling or part of a dwelling which does not conform to a by-law passed under the authority of this section or to any by-law to provide for the safety of buildings, the inspector may order that any such dwelling or part of a dwelling which he believes to be unfit for human habitation be closed and remain closed, and prohibit its use as a dwelling, until the condition has been rectified, provided that notice of the order is given forthwith to the owner or to an adult person in the dwelling house; and the inspector may give such notice in addition to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he deems necessary.

Commence-
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5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

6. This Act may be cited as *The City of Toronto Act, 1955*.

BILL

An Act respecting the City of Toronto

1st Reading

February 25th, 1955

2nd Reading

3rd Reading

MR. WEAVER

*(Reprinted as amended by the Committee
on Private Bills)*

No. 21

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Toronto

MR. WEAVER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 21

1955

BILL

An Act respecting the City of Toronto

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1. The council of the Corporation may pass by-laws United Jewish Welfare Fund of Toronto—tax exemption Rev. Stat., c. 24 exempting from municipal taxes, other than local improvement charges, such part of the land, as defined in *The Assessment Act*, at 145 and at 150-152 Beverley Street in the City of Toronto, as is owned by the United Jewish Welfare Fund of Toronto, so long as such part is occupied and used by the United Jewish Welfare Fund of Toronto or by some organization or institution conducted on philanthropic principles and not for the purpose of profit or gain, under the direction of the United Jewish Welfare Fund of Toronto.

2.—(1) The council of the Corporation is authorized to Paving of lanes acquire or expropriate reserve strips and other small parcels of land adjoining or abutting a lane as part of the work of paving such lane under *The Local Improvement Act*. Rev. Stat., c. 215

(2) The council shall dedicate any reserve strips and other Idem small parcels of land acquired or expropriated under subsection 1 as part of the lane before the work is completed.

(3) For the purposes of *The Local Improvement Act*, such Idem reserve strips and other small parcels of land shall be deemed to form part of the lane.

3.—(1) The Corporation may acquire land for the O'Keefe Foundation purposes of The O'Keefe Foundation.

(2) The Corporation may convey the land so acquired to Idem The O'Keefe Foundation for the purposes of an auditorium, cultural centre or community centre upon payment to the Corporation of any expenses incurred by it in connection with the acquisition and transfer of such land.

1936,
c. 84, s. 6,
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(1938,
c. 73, s. 6),
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Rev. Stat.,
c. 306

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(10a) Where a conviction has been recorded against any person in respect of a dwelling or part of a dwelling which does not conform to a by-law passed under the authority of this section or to any by-law to provide for the safety of buildings, the inspector may order that any such dwelling or part of a dwelling which he believes to be unfit for human habitation be closed and remain closed, and prohibit its use as a dwelling, until the condition has been rectified, provided that notice of the order is given forthwith to the owner or to an adult person in the dwelling house; and the inspector may give such notice in addition to occupants and prospective occupants by posting signs or placards on the premises or by such other method as he deems necessary.

Commence-
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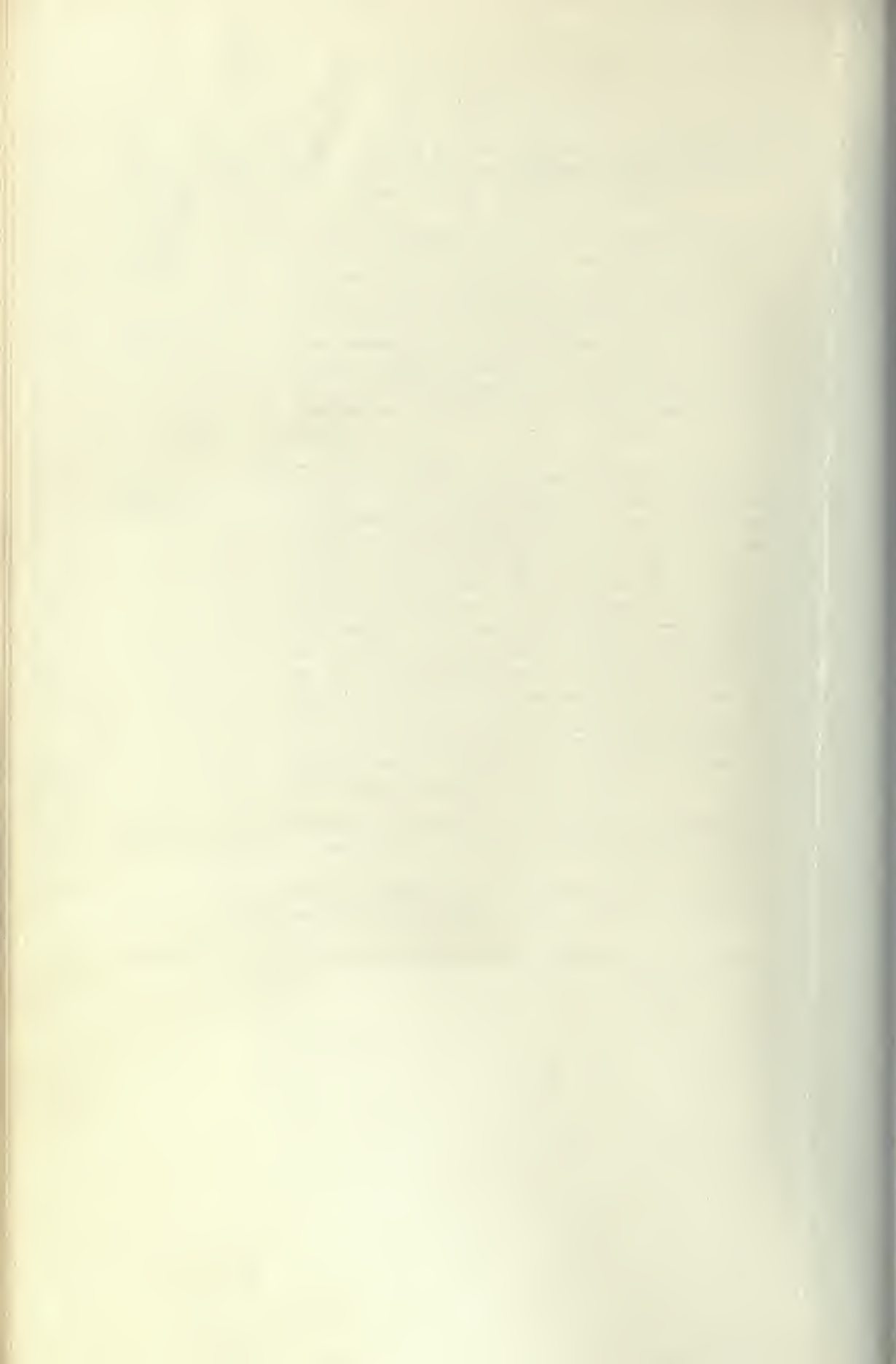
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BILL

An Act respecting the City of Toronto

1st Reading

February 25th, 1955

2nd Reading

March 15th, 1955

3rd Reading

MR. WEAVER

*(Reprinted as amended by the Committee
of the Whole House)*

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting the City of Toronto

MR. WEAVER

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No. 21

1955

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2.—(1) The council of the Corporation is authorized to acquire or expropriate reserve strips and other small parcels of land adjoining or abutting a lane as part of the work of paving such lane under *The Local Improvement Act*. Paving of lanes Rev. Stat., c. 215

(2) The council shall dedicate any reserve strips and other small parcels of land acquired or expropriated under subsection 1 as part of the lane before the work is completed. Idem

(3) For the purposes of *The Local Improvement Act*, such reserve strips and other small parcels of land shall be deemed to form part of the lane. Idem

3.—(1) The Corporation may acquire land for the purposes of The O'Keefe Foundation. O'Keefe Foundation

(2) The Corporation may convey the land so acquired to The O'Keefe Foundation for the purposes of an auditorium, cultural centre or community centre upon payment to the Corporation of any expenses incurred by it in connection with the acquisition and transfer of such land. Idem

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c. 84, s. 6,
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Rev. Stat.,
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Commence-
ment

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

6. This Act may be cited as *The City of Toronto Act, 1955*.

BILL

An Act respecting the City of Toronto

1st Reading

February 25th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. WEAVER

No. 22

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The St. Catharines General Hospital

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 22

1955

BILL

An Act respecting The St. Catharines General Hospital

WHEREAS The St. Catharines General Hospital by its Preamble
petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 12 of *The St. Catharines General Hospital Act*, ^{1924,}
1924 is amended by adding thereto the following subsection: ^{c. 153, s. 12,} amended

(2) The Board,

Powers of
investment

(a) may authorize and direct the investment of all
its funds, which are to be invested by the
Board or by any trust company or other
trustee, in any investments in which joint
stock insurance companies and cash-mutual
insurance corporations are authorized to in-
vest under *The Corporations Act*, 1953;

1953, c. 19

(b) may authorize and direct the retention of any
specific assets donated or bequeathed to the
hospital by any testamentary document, deed
of trust or otherwise for such length of time
as the Board, in its sole discretion, deems
advisable notwithstanding that they do not
consist of investments in which the Board is
authorized to invest by this Act,

and the new corporation and the members of the
Board shall in no circumstances be liable, nor shall
any trust company or other trustee acting on the
direction of the Board be liable, for any loss or
damage that may be suffered by reason of the reten-
tion of any such assets or the investment of any such
funds in accordance with the power and authority
given in this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The St. Catharines General Hospital Act, 1955*.

BILL

An Act respecting The St. Catharines
General Hospital

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting The St. Catharines General Hospital

MR. JOLLEY

No. 22

1955

BILL

An Act respecting The St. Catharines General Hospital

WHEREAS The St. Catharines General Hospital by its ^{Preamble} petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The St. Catharines General Hospital Act*, ^{1924,} ^{c. 153, s. 12,} 1924 is amended by adding thereto the following subsection: ^{amended}

(2) The Board,

Powers of
investment

(a) may authorize and direct the investment of all its funds, which are to be invested by the Board or by any trust company or other trustee, in any investments in which joint stock insurance companies and cash-mutual insurance corporations are authorized to invest under *The Corporations Act, 1953*;

1953, c. 19

(b) may authorize and direct the retention of any specific assets donated or bequeathed to the hospital by any testamentary document, deed of trust or otherwise for such length of time as the Board, in its sole discretion, deems advisable notwithstanding that they do not consist of investments in which the Board is authorized to invest by this Act,

and the new corporation and the members of the Board shall in no circumstances be liable, nor shall any trust company or other trustee acting on the direction of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such funds in accordance with the power and authority given in this Act.

Commence- ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The St. Catharines General Hospital Act, 1955*.

BILL

An Act respecting The St. Catharines
General Hospital

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. JOLLEY

No. 23

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the Town of Merritton

MR. JOLLEY

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 23

1955

BILL

An Act respecting the Town of Merritton

WHEREAS The Corporation of the Town of Merritton Preamble by its petition has represented that the Town has for many years formed a portion of the County of Lincoln and is desirous of withdrawing from the County and becoming a separated municipality; and whereas the Town has notified the council of the County of its intention to apply for the passing of an Act withdrawing it from the County; and whereas the council of the Town on the 7th day of December, 1953, did submit for the opinion of the electors of the Town the question: "Are you in favour of the Town of Merritton becoming a separated town and being separated from the County of Lincoln?", upon which question 757 in number of the electors voted in the affirmative and 418 in number of the electors voted in the negative, and by reason thereof the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Town" means the Town of Merritton; and

(b) "County" means the County of Lincoln.

2. On and after the 1st day of January, 1956, the Town Separation
from County shall be withdrawn and for municipal purposes shall be separated from the County.

3. On and after the 1st day of January, 1956, the costs and Liability
re court
house,
jail, etc.
Rev. Stat.,
c. 243 expenses of the County court house and jail and of all other matters and things set forth in section 373 of *The Municipal Act* shall be borne and paid as between the County and the Town as provided in that Act.

Town
Council

Rev. Stat.,
c. 243

Election
for 1956

Lincoln and
Welland
High School
District
1954, c. 87

Commence-
ment

Short title

4.—(1) After the year 1955, the council of the Town shall be composed of a Mayor and six councillors, and shall be elected in the manner provided in *The Municipal Act* for the council of a town in a county, except that there shall be no reeve or deputy reeve.

(2) The election of the council of the Town for the year 1956 and all proceedings incidental thereto shall be held in the manner provided for in the by-laws of the Town in effect on the 1st day of November, 1955, except that no reeve or deputy reeve shall be elected for 1956.

5. Notwithstanding this Act and *The Secondary Schools and Boards of Education Act, 1954*, the Lincoln and Welland High School District shall continue until such time as the boundaries thereof are changed under the provisions of *The Secondary Schools and Boards of Education Act, 1954*, but on and after the 1st day of January, 1956, the Board of the Lincoln and Welland High School District shall be constituted as provided for in subsection 2 of section 20 of *The Secondary Schools and Boards of Education Act, 1954*, and all other provisions of *The Secondary Schools and Boards of Education Act, 1954* relating to a separated town shall apply as between the Lincoln and Welland High School District and the Town.

6. This Act comes into force on the day it receives Royal Assent.

7. This Act may be cited as *The Town of Merriton Act, 1955*.

BILL

An Act respecting the Town of Merriton

1st Reading

2nd Reading

3rd Reading

MR. JOLLEY

(*Private Bill*)

No. 25

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to incorporate Lynwood Hall Children's Centre

MR. ELLIOTT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate Lynwood Hall Children's Centre

WHEREAS The Children's Industrial School of the City Preamble
of Hamilton was incorporated by *An Act to incorporate* 1864, c. 145
the Children's Industrial School of the City of Hamilton, being
chapter 145 of the Statutes of the Province of Canada, 1864;
and whereas its name was changed to the Girls' Home of the
City of Hamilton by *An Act respecting the Hamilton Girls'* 1878, c. 63
Home, being chapter 63 of the Statutes of Ontario, 1878;
and whereas the corporation of The Boys' Home of the City
of Hamilton was incorporated by *An Act to incorporate* 1873, c. 152
"The Boys' Home, of the City of Hamilton", being chapter
152 of the Statutes of Ontario, 1873; and whereas it is deemed
advisable for the efficient carrying out of the objects of the
respective corporations that the said institutions should
amalgamate and carry on the objects for which they were
incorporated jointly, as both institutions have the same or
similar objects within the scope of the said incorporating
Acts; and whereas the petitioners by their petition have
prayed for special legislation in respect of these matters;
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,

Interpre-
tion

- (a) "Board" means the Board of Directors of the corporation;
- (b) "property" includes messuages, lands and hereditaments whether freehold or of any other tenure and whether corporeal, incorporeal or personal, and any undivided share thereof, and any estate, right or interest therein, leasehold estates, chattels, also money shares of government and other funds, securities for money, debts, choses in action, rights, credits, goods, and all other property, including any gift, bequest or devise to the said respective in-

stitutions under any will, deed, or any other instrument which has heretofore been signed, made, executed or delivered or may hereafter be so signed, made, executed or delivered;

(c) "corporation" means Lynwood Hall Children's Centre.

Incorporation

2. The said Girls' Home and the said Boys' Home are hereby amalgamated and shall be and form a new corporation under the name of "Lynwood Hall Children's Centre" and shall have a corporate seal of such design as may be adopted by the Board.

Property

3. All property belonging to or held by or in trust for the Girls' Home and the Boys' Home respectively shall forthwith after this Act comes into force be delivered and surrendered by the Directors or Trustees of the Girls' Home and the Boys' Home to the corporation and be held, used and administered or sold by the corporation subject to the provisions of this Act, and to any trust upon which the said property may have been held, and all property within this Province hereafter acquired for or belonging to or held by or in trust for or to the use of the Girls' Home and the Boys' Home shall be held, used and administered or sold for the benefit of the corporation, including the subject matter of any devise, bequest, transfer or gift, but subject to any special trusts declared in respect thereof.

Object

4. The object of the corporation is to afford shelter, relief, support and education for unfortunate children of the City of Hamilton as it shall from time to time exist, or from elsewhere at the will of the Board, and to afford religious and moral instruction thereto.

Idem

5. The purposes and objects of the corporation shall also be those referred to in the Act incorporating The Boys' Home of the City of Hamilton, and in the Act incorporating the Girls' Home of the City of Hamilton.

Head office

6. The head office of the corporation shall be at the City of Hamilton, Ontario.

By-laws

7. The general by-laws regulating the conduct of the affairs of the corporation shall be those of the Boys' and Girls' Homes of the City of Hamilton, subject to repeal, amendment, alteration or addition by the Board.

Affairs of corporation managed by Board

8. The affairs of the corporation shall be managed by a Board of Directors composed of thirty Directors, until otherwise determined by by-law, of whom one-quarter of the Directors shall constitute a quorum.

9. The Board shall have power to enact by-laws regulating the conduct of the affairs of the corporation and to do any other act necessary or convenient for carrying on the affairs of the corporation and the management thereof and to re-enact, alter and amend or repeal the same and to attach thereto or to any deed or document the corporate seal and to assign from time to time any person or persons to so attach the corporate seal and to execute same on behalf of the corporation; provided, however, that such by-laws, alterations or amendments shall not be contrary to law or the provisions of this Act. Powers of Board

10. Ten of the present Directors of the Girls' Home and ten of the Directors of the Boys' Home and ten citizens at large selected by a nominating committee representative of both the Girls' Home and the Boys' Home shall constitute the first Board of Directors of the corporation notwithstanding any irregularity in their appointment and they may, at any time after this Act comes into force, elect from among themselves a president, one or more vice-presidents, a chairman, a secretary, a treasurer, or a secretary-treasurer and other officers and those officers shall act until such time as a new Board of Directors is elected and upon such new Board being elected, such new Board shall appoint such officers from among its members. First Board

11. The Board may engage a secretary and other employees at such salary or remuneration as shall be fixed by the Board. Secretary

12. The corporation shall have power to enforce in the name of either of the amalgamated institutions or in its own name any and all rights and powers which either of the said institutions now have or may have had and to be subject to any obligations of the respective institutions with power to receive any and all devises, bequests or gifts which have or may be bequeathed, devised or given to either of the said institutions, and such devises, bequests or gifts shall be deemed to have been made to the corporation, and the corporation shall have power to continue in the name of either of the said institutions litigation or contracts pending at the time this Act comes into force. Powers of corporation

13. No Director shall be responsible for the failure of any investment or security made or taken by the corporation or for anything done in connection with the administration of the affairs of the corporation except for his own acts or defaults but shall account for all moneys actually coming to his hands and shall not be liable for any injury done by others to the property of the corporation or any part thereof. Liability of Directors

Committees **14.** The Board may by resolution delegate any of its powers excepting the powers of enacting, re-enacting, repealing, altering or amending by-laws to one or more executive committees each consisting of not less than three members to be appointed by the Board from its number, and the Board may appoint to any such committee persons other than Directors to act in an advisory capacity.

Loans to Directors **15.** No loan shall be made by the corporation to any Director or other officer of the corporation and if such loan is made, all Directors and other officers of the corporation making the same or assenting thereto shall be jointly and severally liable to the corporation for the amount thereof.

Powers of investment **16.** The Corporation may invest any of its funds in such securities as trustees are permitted to invest pursuant to Rev. Stat., c. 400 *The Trustee Act.*

Commencement **17.** This Act comes into force on the day it receives Royal Assent.

Short title **18.** This Act may be cited as *The Lynwood Hall Children's Centre Act, 1955.*

BILL

An Act to incorporate Lynwood Hall
Children's Centre

1st Reading

2nd Reading

3rd Reading

MR. ELLIOTT

(*Private Bill*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to incorporate Lynwood Hall Children's Centre

MR. ELLIOTT

stitutions under any will, deed, or any other instrument which has heretofore been signed, made, executed or delivered or may hereafter be so signed, made, executed or delivered;

(c) "corporation" means Lynwood Hall Children's Centre.

Incorporation

2. The said Girls' Home and the said Boys' Home are hereby amalgamated and shall be and form a new corporation under the name of "Lynwood Hall Children's Centre" and shall have a corporate seal of such design as may be adopted by the Board.

Property

3. All property belonging to or held by or in trust for the Girls' Home and the Boys' Home respectively shall forthwith after this Act comes into force be delivered and surrendered by the Directors or Trustees of the Girls' Home and the Boys' Home to the corporation and be held, used and administered or sold by the corporation subject to the provisions of this Act, and to any trust upon which the said property may have been held, and all property within this Province hereafter acquired for or belonging to or held by or in trust for or to the use of the Girls' Home and the Boys' Home shall be held, used and administered or sold for the benefit of the corporation, including the subject matter of any devise, bequest, transfer or gift, but subject to any special trusts declared in respect thereof.

Object

4. The object of the corporation is to afford shelter, relief, support and education for unfortunate children of the City of Hamilton as it shall from time to time exist, or from elsewhere at the will of the Board, and to afford religious and moral instruction thereto.

Idem

5. The purposes and objects of the corporation shall also be those referred to in the Act incorporating The Boys' Home of the City of Hamilton, and in the Act incorporating the Girls' Home of the City of Hamilton.

Head office

6. The head office of the corporation shall be at the City of Hamilton, Ontario.

By-laws

7. The general by-laws regulating the conduct of the affairs of the corporation shall be those of the Boys' and Girls' Homes of the City of Hamilton, subject to repeal, amendment, alteration or addition by the Board.

Affairs of corporation managed by Board

8. The affairs of the corporation shall be managed by a Board of Directors composed of thirty Directors, until otherwise determined by by-law, of whom one-quarter of the Directors shall constitute a quorum.

9. The Board shall have power to enact by-laws regulating the conduct of the affairs of the corporation and to do any other act necessary or convenient for carrying on the affairs of the corporation and the management thereof and to re-enact, alter and amend or repeal the same and to attach thereto or to any deed or document the corporate seal and to assign from time to time any person or persons to so attach the corporate seal and to execute same on behalf of the corporation; provided, however, that such by-laws, alterations or amendments shall not be contrary to law or the provisions of this Act. ^{Powers of Board}

10. Ten of the present Directors of the Girls' Home and ten of the Directors of the Boys' Home and ten citizens at large selected by a nominating committee representative of both the Girls' Home and the Boys' Home shall constitute the first Board of Directors of the corporation notwithstanding any irregularity in their appointment and they may, at any time after this Act comes into force, elect from among themselves a president, one or more vice-presidents, a chairman, a secretary, a treasurer, or a secretary-treasurer and other officers and those officers shall act until such time as a new Board of Directors is elected and upon such new Board being elected, such new Board shall appoint such officers from among its members. ^{First Board}

11. The Board may engage a secretary and other employees at such salary or remuneration as shall be fixed by the Board. ^{Secretary}

12. The corporation shall have power to enforce in the name of either of the amalgamated institutions or in its own name any and all rights and powers which either of the said institutions now have or may have had and to be subject to any obligations of the respective institutions with power to receive any and all devises, bequests or gifts which have or may be bequeathed, devised or given to either of the said institutions, and such devises, bequests or gifts shall be deemed to have been made to the corporation, and the corporation shall have power to continue in the name of either of the said institutions litigation or contracts pending at the time this Act comes into force. ^{Powers of corporation}

13. No Director shall be responsible for the failure of any investment or security made or taken by the corporation or for anything done in connection with the administration of the affairs of the corporation except for his own acts or defaults but shall account for all moneys actually coming to his hands and shall not be liable for any injury done by others to the property of the corporation or any part thereof. ^{Liability of Directors}

- Committees** **14.** The Board may by resolution delegate any of its powers excepting the powers of enacting, re-enacting, repealing, altering or amending by-laws to one or more executive committees each consisting of not less than three members to be appointed by the Board from its number, and the Board may appoint to any such committee persons other than Directors to act in an advisory capacity.
- Loans to Directors** **15.** No loan shall be made by the corporation to any Director or other officer of the corporation and if such loan is made, all Directors and other officers of the corporation making the same or assenting thereto shall be jointly and severally liable to the corporation for the amount thereof.
- Powers of investment** **16.** The Corporation may invest any of its funds in such securities as trustees are permitted to invest pursuant to *The Trustee Act*.
- Rev. Stat., c. 400**
- Commencement** **17.** This Act comes into force on the day it receives Royal Assent.
- Short title** **18.** This Act may be cited as *The Lynwood Hall Children's Centre Act, 1955*.

BILL

An Act to incorporate Lynwood Hall
Children's Centre

1st Reading

February 23rd, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

MR. ELLIOTT

No. 26

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Ottawa

MR. MORROW

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 26

1955

BILL

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, as amended by 1941, c. 72, s. 1, re-enacted section 1 of *The City of Ottawa Act, 1946*, section 18 of *The City of Ottawa Act, 1948* and section 1 of *The City of Ottawa Act, 1949*, is repealed and the following substituted therefor:

1. Notwithstanding the provisions of By-law No. 7036 Time for entry under By-law No. 7036 extended passed by the council of The Corporation of the City of Ottawa on the 5th day of January, 1931, and notwithstanding the order of the Ontario Municipal Board dated the 8th day of July, 1937, the time for entry by The Corporation of the City of Ottawa on the lands expropriated under the said By-law No. 7036 shall be deferred until the cross-town limited access highway (Queensway) is completed or until the 1st day of January, 1960, whichever may be the earlier.

2. The Agreement dated the 7th day of February, 1955, Agreement confirmed between The Corporation of the City of Ottawa and The Corporation of the County of Carleton, set forth as the Schedule hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and the ratepayers thereof and all other persons affected thereby.

3. This Act comes into force on the day it receives Royal Commencement Assent.

4. This Act may be cited as *The City of Ottawa Act, 1955*. Short title

SCHEDULE

AN AGREEMENT made in duplicate the 7th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the first day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 111 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches registrations, and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations, and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall not come into effect until it is confirmed and declared to be legal, valid, and binding by the Legislature of Ontario, but when so confirmed and declared to be legal, valid and binding shall be deemed to have effect from the first day of January, 1955 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk Treasurer.

SIGNED, SEALED AND DELIVERED

(Corporate Seal)

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

N. R. OGILVIE,
Clerk.

THE CORPORATION OF THE COUNTY
OF CARLETON:

D. A. MOODIE,
Warden.

H. E. COLDREY,
Clerk & Treasurer.

(Corporate Seal)



BILL

An Act respecting the City of Ottawa

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(Private Bill)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

BILL
An Act respecting the City of Ottawa

MR. MORROW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

SCHEDULE

AN AGREEMENT made in duplicate the 7th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF OTTAWA, hereinafter
called the "City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE COUNTY OF CARLETON,
hereinafter called the "County",

OF THE SECOND PART.

WHEREAS by an agreement dated the 20th day of March, 1950 entered into between the City and the County confirmed and declared to be legal, valid and binding by subsection 2 of section 1 of *The City of Ottawa Act, 1950* (Statutes of Ontario, 1950, Chapter 109) the City and the County agreed that for a period of five years from and after the first day of January, 1950, all percentages of fees and emoluments derived from extracts, searches, registrations and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa and of land situate within the limits of the Registry Division of the County of Carleton, should be paid as therein set forth;

AND WHEREAS the City and the County have agreed to renew the said agreement as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notwithstanding the provisions of section 111 of *The Registry Act*, all percentages of fees and emoluments derived from extracts, searches registrations, and other charges in respect of land situate within the limits of the Registry Division of the City of Ottawa shall be paid to the Treasurer of the City and all percentages of fees and emoluments derived from extracts, searches, registrations, and other charges in respect of land situate within the limits of the Registry Division of the County of Carleton shall be paid to the Treasurer of the County.

2. This agreement shall not come into effect until it is confirmed and declared to be legal, valid, and binding by the Legislature of Ontario, but when so confirmed and declared to be legal, valid and binding shall be deemed to have effect from the first day of January, 1955 and shall remain in effect for a period of five years after such date.

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk, and the County has hereunto affixed its corporate seal under the hands of its Warden and Clerk Treasurer.

SIGNED, SEALED AND DELIVERED

(Corporate Seal)

THE CORPORATION OF THE CITY
OF OTTAWA:

CHARLOTTE WHITTON,
Mayor.

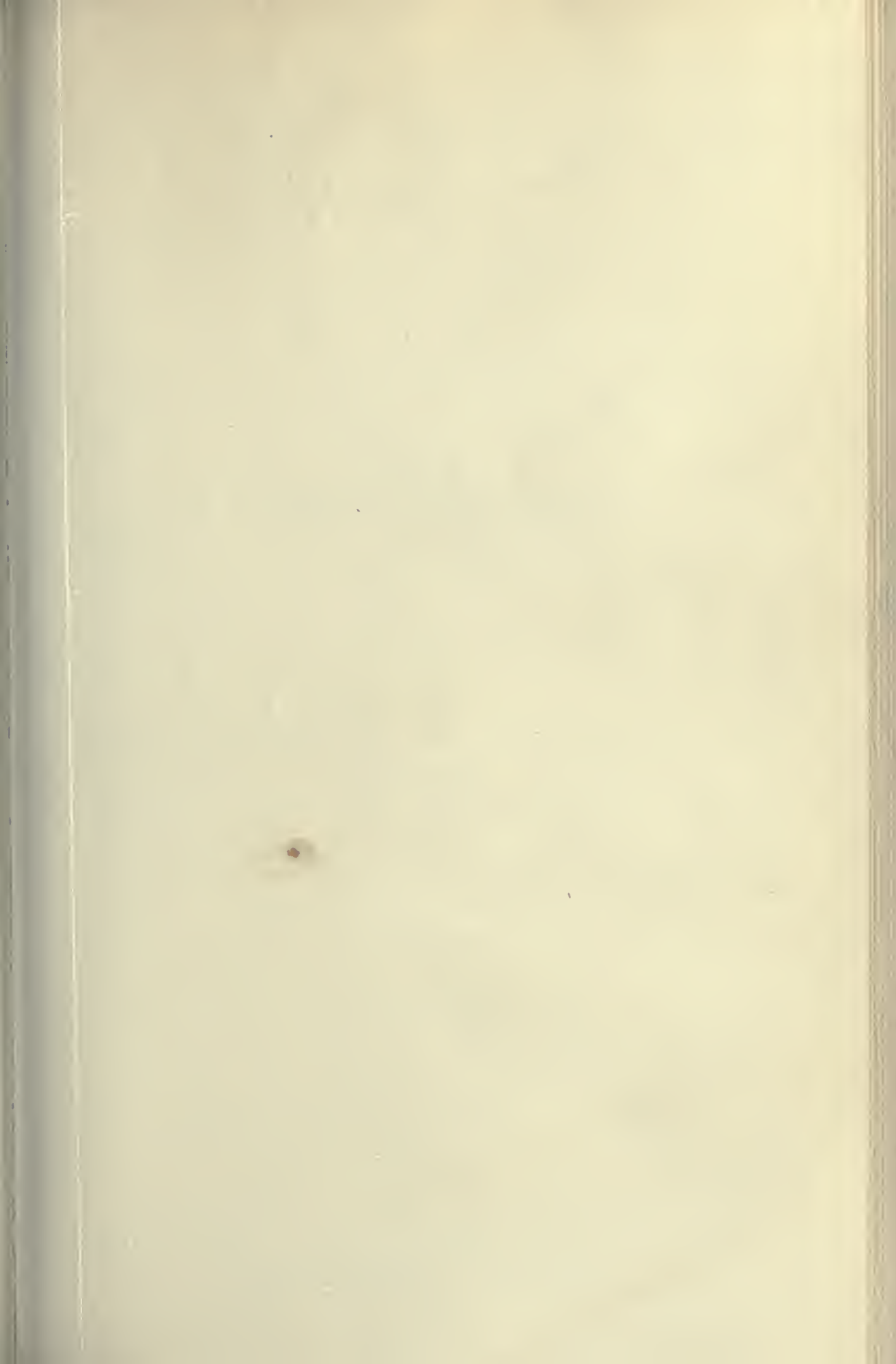
N. R. OGILVIE,
Clerk.

THE CORPORATION OF THE COUNTY
OF CARLETON:

(Corporate Seal)

D. A. MOODIE,
Warden.

H. E. COLDREY,
Clerk & Treasurer.



BILL

An Act respecting the City of Ottawa

1st Reading

February 18th, 1955

2nd Reading

March 7th, 1955

3rd Reading

March 14th, 1955

Mr. MORROW

No. 27

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the City of Hamilton

MR. ELLIOTT

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 27

1955

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Agreement made between The Corporation of the Agreement
City of Hamilton and The T. Eaton Realty Company Limited with The
dated the 17th day of February, 1955, set forth as the Schedule T. Eaton
hereto, is hereby ratified and confirmed and declared to be Realty
legal, valid and binding upon the parties thereto and the said Company
parties are hereby empowered to carry out their respective Limited
obligations and exercise their respective privileges thereunder. ratified

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The City of Hamilton Act*, Short title
1955.

SCHEDULE

THIS AGREEMENT dated the 17th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the City"),

OF THE FIRST PART,

—and—

THE T. EATON REALTY COMPANY LIMITED
(hereinafter called "the Company"),

OF THE SECOND PART.

WITNESSETH as follows:

1. The City agrees to sell to the Company and the Company agrees to purchase from the City the major portion of the Hamilton City Hall property at the north-west corner of James Street North and Market Square in the City of Hamilton and other properties to the north thereof, the said lands and premises being those described in Schedule "A" hereto annexed.
2. The City also agrees to grant to the Company certain rights, privileges and easements as described in paragraph 17 of this agreement.
3. Where the expression "the City Hall Property" is used hereafter it includes both the lands and premises referred to in paragraph 1 and the rights, privileges and easements referred to in paragraph 2.
4. The City Agrees as follows:
 - (a) That a line drawn parallel to the westerly side of James Street North and distant Twelve feet (12') westerly therefrom, is hereby designated as the line which, before the time for closing any sale under this agreement, the City will establish as the new westerly limit of that part of James Street North between the southerly limit of lands now owned by the Company and Market Square.
 - (b) That portion of a line drawn from the north-east corner of James Street North and King William Street, at right angles to the easterly side of James Street North, which lies between the above-mentioned new westerly limit of James Street North and the westerly limit of the City Hall Property, is hereby designated as the line which the City will establish as the northerly limit of Market Square before the time for closing any sale under this agreement.
5. The purchase price of the City Hall Property shall be the sum of Eight Hundred thousand dollars (\$800,000) payable by the Company to the City as hereinafter provided.
6. The Company and the City hereby agree that the Company will erect on substantially all the lands described in the said Schedule "A" a building to be used for retail merchandising purposes of the following size namely, a building having a floor area of 90,000 square feet including basement which is the equivalent of a three storey and basement building on all the said lands; provided that the erection of the said building shall be done in two stages, the first stage to be on the northerly eighty-three feet (83') or thereabouts of the City Hall Property and the second stage to be on the remainder of the City Hall Property; each stage to commence

within two years after the Company obtains vacant possession of the land on which the building for such stage is to be built and to proceed with reasonable dispatch subject to the Company being entitled to reasonable extensions of time for commencement or otherwise in the event of delay due to difficulty in obtaining essential materials or labour or because of fire, lightning, tempest, strikes, lockouts or other unavoidable casualties.

7. The City will use its best efforts to obtain legislation from the Ontario Legislature validating the entering into of this agreement and empowering the City to complete the sale of the City Hall Property in accordance with the terms hereof but the Company shall not be obliged to complete the purchase unless such legislation is obtained and in force on or before the 1st day of July, 1955, or on or before such later date, if any, as the Company may agree to in writing.

8. The sale and purchase shall be closed in two stages as follows:

- (a) The northerly eighty-three feet (83') thereof or thereabouts being all that part north of a line drawn at right angles to James Street North and distant eight feet (8') northerly from the most northerly portion of the City Hall building such northerly part being (hereinafter called "the Store Property").
- (b) The remainder of the City Hall Property (hereinafter called "the Remaining Property").

- 9. (a) The purchase of the Store Property shall be closed on the 30th day after the date on which the said validating legislation shall have come into force or on the first business day thereafter if such 30th day shall be a Saturday or Sunday or a public holiday. On closing the purchase of the Store Property the Company will pay the City by marked cheque forty per cent (40%) of the purchase price of the City Hall Property and at the time of such closing the Company will assume the existing tenancies of the Store Property provided the same are monthly tenancies and provided also that any portion of the Store Property occupied by the City shall be vacated by the City one month after closing.
- (b) The purchase of the Remaining Property shall be closed not later than five years after the date on which the said validating legislation shall have come into force and the City shall have the right to fix the closing date at a date within the said five year period by giving the Company not less than twelve months prior notice in writing. The City will give the Company vacant possession of the Remaining Property on closing and the Company will pay the City on closing, by marked cheque, the remaining sixty per cent (60%) of the purchase price of the City Hall Property.
- 10. (a) If any part of the City Hall Property is a public highway or public passageway or laneway the City will take all necessary steps to close the same to the public and to enable clear title thereto to be conveyed by the City to the Company at the time of closing each purchase.
- (b) If any sewers or drains or water pipes are located on the City Hall Property the same shall be removed and re-located at the expense of the City promptly after the Company closes the purchase of the part thereof on which the same are located.

11. The sale and purchase of lands and premises hereunder shall include all buildings and other improvements thereon and everything which is in law regarded as being permanently affixed thereto.

12. Deeds of the Store Property and the Remaining Property, including rights, privileges and easements to be granted pursuant hereto

shall be delivered to the Company on the closing of the purchase to which each deed relates and each such deed shall be prepared and executed at the expense of the City and all costs of registration thereof and taxes payable upon such registration shall be paid by the Company.

13. (a) The Company shall pay taxes on the Store Property from the date of closing of its purchase and on the Remaining Property from the date of closing of its purchase.

(b) In the case of the Store Property rents shall be apportioned as of the date of closing.

14. The Company shall have thirty days from the date hereof, (subject to the obtaining of legislation as aforesaid) within which to search the title at its own expense and if within that time the Company shall make any objection to title which the City is unable or unwilling to remove and which the Company will not waive the Company's obligation to purchase hereunder will be null and void.

15. Notwithstanding any damage to or destruction of any building on the City Hall Property by fire or other hazard before closing, the Purchaser shall be required to complete the purchase herein but with a reduction in price equal to the increase in the net cost of demolishing such building due to lower salvage value as a result of such damage or destruction. Any insurance moneys payable as a result of such damage or destruction shall be paid to and retained by the City.

16. Promptly after closing each purchase hereunder the Company will at its own expense demolish all buildings on the lands to which such closing relates and at the time of closing each purchase hereunder the City will give the Company all necessary permits to enable it to demolish all buildings on the lands to which such closing relates and at the time of closing the purchase of the Remaining Property the City will also give the Company permission to demolish the small portion of the City Hall building which is not included in the Remaining Property.

17. The rights, privileges and easements hereinbefore referred to are as follows:

(a) The lands now owned by the Company on which a department store is situated, have appurtenant thereto in perpetuity certain rights, privileges and easements affecting or otherwise related to a strip of land approximately fifteen feet (15') wide lying immediately to the west of the lands on which the said department store is situated and extending from Merrick Street to the south-westerly angle of the said department store. The said rights, privileges and easements are set out in an agreement dated December 27, 1927, between the City and the T. Eaton Company Limited and registered in the Registry Office for the Registry Division of Wentworth as number 305296.

(b) The sale and purchase of the lands described in paragraph 1 pursuant to this agreement shall include the following:—

(i) The widening of the above mentioned fifteen foot (15') strip to twenty feet (20') throughout its entire length by adding a five foot (5') strip of land along the westerly boundary of the said fifteen foot (15') strip to make the total width twenty feet (20') and the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to the said twenty foot (20') strip, of like nature to those now owned by the Company with reference to the said fifteen foot (15') strip.

(ii) The extension to Market Square of the above mentioned strip as widened to twenty feet (20'), by the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to a strip of land twenty feet (20') wide lying immediately to the west of the lands described in paragraph 1 of like nature to those to be granted pursuant to sub-clause (i) of this clause (b).

- (iii) The rights, privileges and easements to be granted pursuant to sub-clauses (i) and (ii) of this clause (b) shall be granted in such manner as to supplement and extend the rights, privileges and easements set out in the above mentioned agreement dated December 27, 1927, so that all such rights, privileges and easements shall be appurtenant in perpetuity to the lands described in Schedule "A" as well as to all lands now owned by the Company between the lands described in paragraph 1 and Merrick Street and every part thereof, and the said rights shall include the right for persons and vehicles to pass in and out of the said twenty foot (20') strip at the Merrick Street end and at the Market Square end; provided that after the expiration of five years from the closing of the sale of the Remaining Property the City may review the situation resulting from the passing of vehicles out of the said twenty foot (20') strip into Market Square and if the said situation has proved to be a hazardous one and no other solution can be found for substantially reducing such hazard the Company will stop the passing of its vehicles from the said strip into Market Square.
- (iv) Upon the granting of the Company of rights, privileges and easements pursuant to the provisions of sub-clauses (i) and (ii) of this clause (b) the Company shall surrender to the City the right conferred on the Company by paragraph 3 of the said agreement dated December 27, 1927, to have certain additional easements granted to it if the City closes certain parts of the Central Market Property.

18. Any notice which either of the parties hereto may desire or be required to give to the other with regard to any matter or thing herein contained shall be validly and effectually given if mailed by registered mail addressed, if intended for the City, as follows:—The City Clerk, City Hall, Hamilton, Ontario, and if intended for the Company as follows:—The T. Eaton Realty Company Limited, Executive Office, 190 Yonge Street, Toronto, Ontario, and every notice so given shall be deemed and taken to have been received on the day following the date on which it shall have been so mailed.

19. Time shall be of the essence of this agreement.

20. This agreement supersedes a previous agreement between the same parties with respect to the same matter and dated December 14th, 1954.

21. This agreement shall extend to, enure to the benefit of and be binding upon the parties hereto their successors and assigns.

IN WITNESS WHEREOF The T. Eaton Realty Company Limited has hereunto affixed its corporate seal attested by the hands of its proper officers and The Corporation of the City of Hamilton has also affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal)

(Seal)

THE CORPORATION OF THE CITY OF
HAMILTON:

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

THE T. EATON REALTY COMPANY
LIMITED:

O. D. VAUGHAN,
Vice-President.

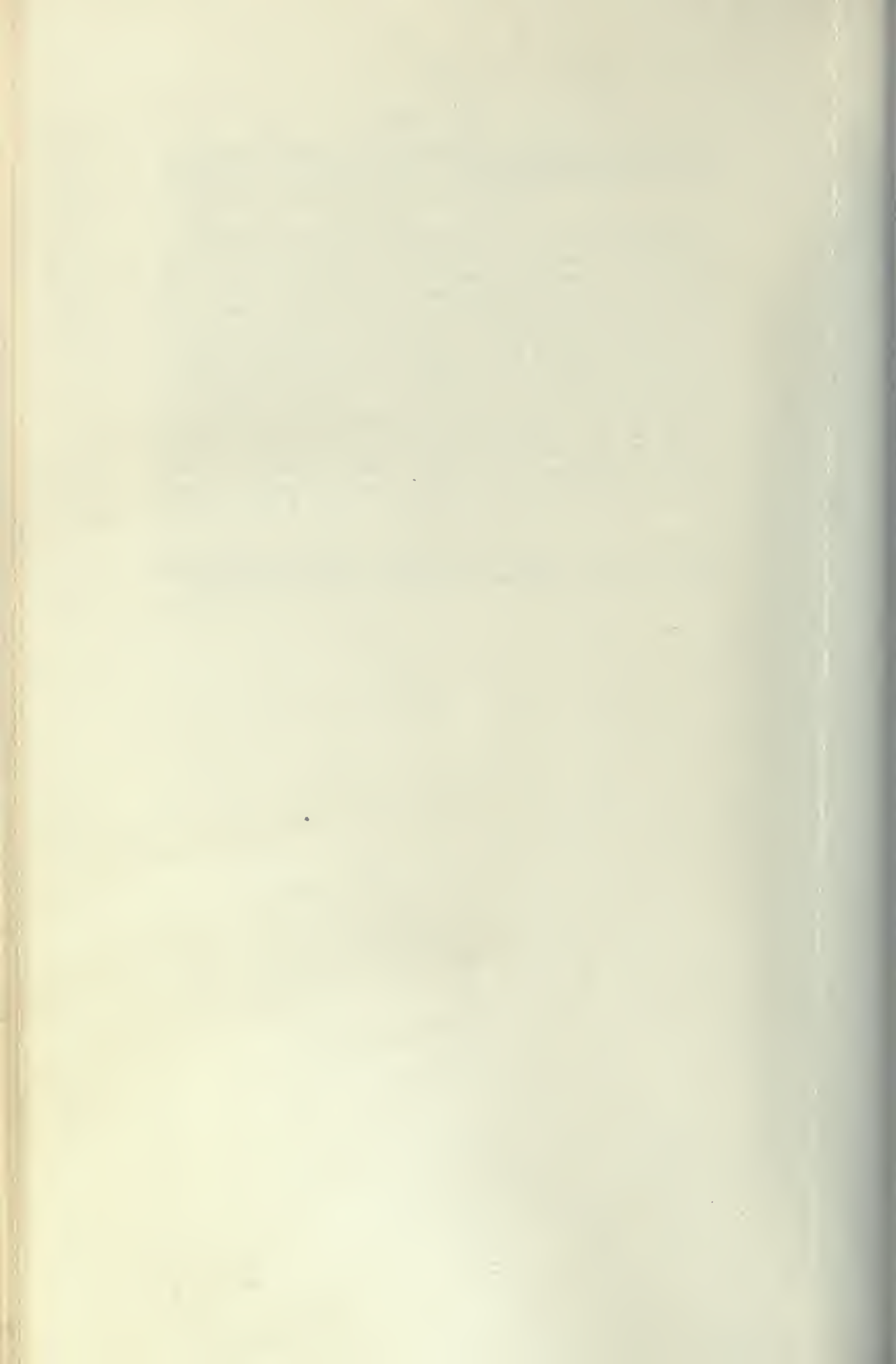
W. PARK,
Secretary-Treasurer.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the County of Wentworth, and being composed of part of Andrew Miller's seven acre tract, and being more particularly described as follows:

COMMENCING at a point distant 12 feet measured on a course N. 72° 07' W. from the south-easterly corner of lands now owned by The T. Eaton Realty Company Limited on which is situated a Department Store, the said south-easterly corner being approximately 214 feet 11¼ inches south of Merrick Street measured along the west side of James Street North; thence along the southerly limit of the said lands now owned by the said Company on a course N. 72° 07' W. 138 feet 9 inches more or less to the south-westerly angle of the said lands now owned by the said Company; thence on a course S. 18° 06' W. being the production southerly of the westerly limit of the said lands now owned by the said Company a distance of 164 feet 2¾ inches more or less to a point where the said line intersects a line drawn from the north-east corner of James Street North and King William Street at right angles to the easterly side of James Street North, the said line having a course of N. 72° 00' W.; thence on a course S. 72° 00' E. a distance of 139 feet 3¾ inches more or less to a point distant 12 feet westerly from the westerly side of James Street North measured along the said last mentioned course; thence on a course N. 18° 00' E. 163 feet 7 inches more or less to the point of commencement.

SUBJECT to such minor variations, if any, in the said description as may be agreed to by The Corporation of the City of Hamilton and The T. Eaton Realty Company Limited upon completion of a survey of the said lands.



BILL

An Act respecting the City of Hamilton

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. ELLIOT

(*Private Bill*)

No. 27

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

BILL

An Act respecting the City of Hamilton

MR. ELLIOTT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 27

1955

BILL

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation in
respect of the matter hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Agreement made between The Corporation of the Agreement
City of Hamilton and The T. Eaton Realty Company Limited with The
dated the 17th day of February, 1955, set forth as the Schedule T. Eaton
hereto, is hereby ratified and confirmed and declared to be Realty
legal, valid and binding upon the parties thereto and the said Company
parties are hereby empowered to carry out their respective Limited
obligations and exercise their respective privileges thereunder. ratified

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The City of Hamilton Act*, Short title
1955.

SCHEDULE

THIS AGREEMENT dated the 17th day of February, 1955.

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter called "the City"),

OF THE FIRST PART,

—and—

THE T. EATON REALTY COMPANY LIMITED
(hereinafter called "the Company"),

OF THE SECOND PART.

WITNESSETH as follows:

1. The City agrees to sell to the Company and the Company agrees to purchase from the City the major portion of the Hamilton City Hall property at the north-west corner of James Street North and Market Square in the City of Hamilton and other properties to the north thereof, the said lands and premises being those described in Schedule "A" hereto annexed.

2. The City also agrees to grant to the Company certain rights, privileges and easements as described in paragraph 17 of this agreement.

3. Where the expression "the City Hall Property" is used hereafter it includes both the lands and premises referred to in paragraph 1 and the rights, privileges and easements referred to in paragraph 2.

4. The City Agrees as follows:

- (a) That a line drawn parallel to the westerly side of James Street North and distant Twelve feet (12') westerly therefrom, is hereby designated as the line which, before the time for closing any sale under this agreement, the City will establish as the new westerly limit of that part of James Street North between the southerly limit of lands now owned by the Company and Market Square.
- (b) That portion of a line drawn from the north-east corner of James Street North and King William Street, at right angles to the easterly side of James Street North, which lies between the above-mentioned new westerly limit of James Street North and the westerly limit of the City Hall Property, is hereby designated as the line which the City will establish as the northerly limit of Market Square before the time for closing any sale under this agreement.

5. The purchase price of the City Hall Property shall be the sum of Eight Hundred thousand dollars (\$800,000) payable by the Company to the City as hereinafter provided.

6. The Company and the City hereby agree that the Company will erect on substantially all the lands described in the said Schedule "A" a building to be used for retail merchandising purposes of the following size namely, a building having a floor area of 90,000 square feet including basement which is the equivalent of a three storey and basement building on all the said lands; provided that the erection of the said building shall be done in two stages, the first stage to be on the northerly eighty-three feet (83') or thereabouts of the City Hall Property and the second stage to be on the remainder of the City Hall Property; each stage to commence

within two years after the Company obtains vacant possession of the land on which the building for such stage is to be built and to proceed with reasonable dispatch subject to the Company being entitled to reasonable extensions of time for commencement or otherwise in the event of delay due to difficulty in obtaining essential materials or labour or because of fire, lightning, tempest, strikes, lockouts or other unavoidable casualties.

7. The City will use its best efforts to obtain legislation from the Ontario Legislature validating the entering into of this agreement and empowering the City to complete the sale of the City Hall Property in accordance with the terms hereof but the Company shall not be obliged to complete the purchase unless such legislation is obtained and in force on or before the 1st day of July, 1955, or on or before such later date, if any, as the Company may agree to in writing.

8. The sale and purchase shall be closed in two stages as follows:

- (a) The northerly eighty-three feet (83') thereof or thereabouts being all that part north of a line drawn at right angles to James Street North and distant eight feet (8') northerly from the most northerly portion of the City Hall building such northerly part being (hereinafter called "the Store Property").
- (b) The remainder of the City Hall Property (hereinafter called "the Remaining Property").

9. (a) The purchase of the Store Property shall be closed on the 30th day after the date on which the said validating legislation shall have come into force or on the first business day thereafter if such 30th day shall be a Saturday or Sunday or a public holiday. On closing the purchase of the Store Property the Company will pay the City by marked cheque forty per cent (40%) of the purchase price of the City Hall Property and at the time of such closing the Company will assume the existing tenancies of the Store Property provided the same are monthly tenancies and provided also that any portion of the Store Property occupied by the City shall be vacated by the City one month after closing.

- (b) The purchase of the Remaining Property shall be closed not later than five years after the date on which the said validating legislation shall have come into force and the City shall have the right to fix the closing date at a date within the said five year period by giving the Company not less than twelve months prior notice in writing. The City will give the Company vacant possession of the Remaining Property on closing and the Company will pay the City on closing, by marked cheque, the remaining sixty per cent (60%) of the purchase price of the City Hall Property.

10. (a) If any part of the City Hall Property is a public highway or public passageway or laneway the City will take all necessary steps to close the same to the public and to enable clear title thereto to be conveyed by the City to the Company at the time of closing each purchase.

- (b) If any sewers or drains or water pipes are located on the City Hall Property the same shall be removed and re-located at the expense of the City promptly after the Company closes the purchase of the part thereof on which the same are located.

11. The sale and purchase of lands and premises hereunder shall include all buildings and other improvements thereon and everything which is in law regarded as being permanently affixed thereto.

12. Deeds of the Store Property and the Remaining Property, including rights, privileges and easements to be granted pursuant hereto

shall be delivered to the Company on the closing of the purchase to which each deed relates and each such deed shall be prepared and executed at the expense of the City and all costs of registration thereof and taxes payable upon such registration shall be paid by the Company.

13. (a) The Company shall pay taxes on the Store Property from the date of closing of its purchase and on the Remaining Property from the date of closing of its purchase.
- (b) In the case of the Store Property rents shall be apportioned as of the date of closing.

14. The Company shall have thirty days from the date hereof, (subject to the obtaining of legislation as aforesaid) within which to search the title at its own expense and if within that time the Company shall make any objection to title which the City is unable or unwilling to remove and which the Company will not waive the Company's obligation to purchase hereunder will be null and void.

15. Notwithstanding any damage to or destruction of any building on the City Hall Property by fire or other hazard before closing, the Purchaser shall be required to complete the purchase herein but with a reduction in price equal to the increase in the net cost of demolishing such building due to lower salvage value as a result of such damage or destruction. Any insurance moneys payable as a result of such damage or destruction shall be paid to and retained by the City.

16. Promptly after closing each purchase hereunder the Company will at its own expense demolish all buildings on the lands to which such closing relates and at the time of closing each purchase hereunder the City will give the Company all necessary permits to enable it to demolish all buildings on the lands to which such closing relates and at the time of closing the purchase of the Remaining Property the City will also give the Company permission to demolish the small portion of the City Hall building which is not included in the Remaining Property.

17. The rights, privileges and easements hereinbefore referred to are as follows:

- (a) The lands now owned by the Company on which a department store is situated, have appurtenant thereto in perpetuity certain rights, privileges and easements affecting or otherwise related to a strip of land approximately fifteen feet (15') wide lying immediately to the west of the lands on which the said department store is situated and extending from Merrick Street to the south-westerly angle of the said department store. The said rights, privileges and easements are set out in an agreement dated December 27, 1927, between the City and the T. Eaton Company Limited and registered in the Registry Office for the Registry Division of Wentworth as number 305296.
- (b) The sale and purchase of the lands described in paragraph 1 pursuant to this agreement shall include the following:—
 - (i) The widening of the above mentioned fifteen foot (15') strip to twenty feet (20') throughout its entire length by adding a five foot (5') strip of land along the westerly boundary of the said fifteen foot (15') strip to make the total width twenty feet (20') and the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to the said twenty foot (20') strip, of like nature to those now owned by the Company with reference to the said fifteen foot (15') strip.
 - (ii) The extension to Market Square of the above mentioned strip as widened to twenty feet (20'), by the granting by the City to the Company of rights, privileges and easements affecting or otherwise related to a strip of land twenty feet (20') wide lying immediately to the west of the lands described in paragraph 1 of like nature to those to be granted pursuant to sub-clause (i) of this clause (b).

- (iii) The rights, privileges and easements to be granted pursuant to sub-clauses (i) and (ii) of this clause (b) shall be granted in such manner as to supplement and extend the rights, privileges and easements set out in the above mentioned agreement dated December 27, 1927, so that all such rights, privileges and easements shall be appurtenant in perpetuity to the lands described in Schedule "A" as well as to all lands now owned by the Company between the lands described in paragraph 1 and Merrick Street and every part thereof, and the said rights shall include the right for persons and vehicles to pass in and out of the said twenty foot (20') strip at the Merrick Street end and at the Market Square end; provided that after the expiration of five years from the closing of the sale of the Remaining Property the City may review the situation resulting from the passing of vehicles out of the said twenty foot (20') strip into Market Square and if the said situation has proved to be a hazardous one and no other solution can be found for substantially reducing such hazard the Company will stop the passing of its vehicles from the said strip into Market Square.
- (iv) Upon the granting of the Company of rights, privileges and easements pursuant to the provisions of sub-clauses (i) and (ii) of this clause (b) the Company shall surrender to the City the right conferred on the Company by paragraph 3 of the said agreement dated December 27, 1927, to have certain additional easements granted to it if the City closes certain parts of the Central Market Property.

18. Any notice which either of the parties hereto may desire or be required to give to the other with regard to any matter or thing herein contained shall be validly and effectually given if mailed by registered mail addressed, if intended for the City, as follows:—The City Clerk, City Hall, Hamilton, Ontario, and if intended for the Company as follows:—The T. Eaton Realty Company Limited, Executive Office, 190 Yonge Street, Toronto, Ontario, and every notice so given shall be deemed and taken to have been received on the day following the date on which it shall have been so mailed.

19. Time shall be of the essence of this agreement.

20. This agreement supersedes a previous agreement between the same parties with respect to the same matter and dated December 14th, 1954.

21. This agreement shall extend to, enure to the benefit of and be binding upon the parties hereto their successors and assigns.

IN WITNESS WHEREOF The T. Eaton Realty Company Limited has hereunto affixed its corporate seal attested by the hands of its proper officers and The Corporation of the City of Hamilton has also affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Seal)

(Seal)

THE CORPORATION OF THE CITY OF
HAMILTON:

L. D. JACKSON,
Mayor.

J. F. BERRY,
City Clerk.

THE T. EATON REALTY COMPANY
LIMITED:

O. D. VAUGHAN,
Vice-President.

W. PARK,
Secretary-Treasurer.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the County of Wentworth, and being composed of part of Andrew Miller's seven acre tract, and being more particularly described as follows:

COMMENCING at a point distant 12 feet measured on a course N. 72° 07' W. from the south-easterly corner of lands now owned by The T. Eaton Realty Company Limited on which is situated a Department Store, the said south-easterly corner being approximately 214 feet 11¼ inches south of Merrick Street measured along the west side of James Street North; thence along the southerly limit of the said lands now owned by the said Company on a course N. 72° 07' W. 138 feet 9 inches more or less to the south-westerly angle of the said lands now owned by the said Company; thence on a course S. 18° 06' W. being the production southerly of the westerly limit of the said lands now owned by the said Company a distance of 164 feet 2¾ inches more or less to a point where the said line intersects a line drawn from the north-east corner of James Street North and King William Street at right angles to the easterly side of James Street North, the said line having a course of N. 72° 00' W.; thence on a course S. 72° 00' E. a distance of 139 feet 3¾ inches more or less to a point distant 12 feet westerly from the westerly side of James Street North measured along the said last mentioned course; thence on a course N. 18° 00' E. 163 feet 7 inches more or less to the point of commencement.

SUBJECT to such minor variations, if any, in the said description as may be agreed to by The Corporation of the City of Hamilton and The T. Eaton Realty Company Limited upon completion of a survey of the said lands.

BILL

An Act respecting the City of Hamilton

1st Reading

February 28th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. ELLIOTT

No. 29

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting St. Mary's River Bridge Company

MR. LYONS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 29

1955

BILL

An Act respecting St. Mary's River Bridge Company

WHEREAS the applicants for incorporation by their Preamble petition have represented that an application has been made to the Parliament of Canada for an Act to incorporate a company under the name of St. Mary's River Bridge Company, hereinafter called the Company, for the purpose of constructing and operating a bridge or tunnel over or under the St. Mary's River, between Sault Ste. Marie, Ontario, and Sault Ste. Marie, Michigan, with powers incidental thereto; that the Company will have power to enter into an agreement with and to transfer and assign its rights, powers and authority to a company, body or commission, hereinafter called the Assignee, incorporated or created under the laws of Canada or the United States of America; that the Company will be organized as, and be, a non-profit corporation within the meaning of *The Corporations Tax Act* and the *Income Tax Act* (Canada); and that the Assignee to whom the Com-
Rev. Stat.,
c. 72
R.S.C. 1952,
c. 148pany may assign its rights as aforesaid is to be exempt from taxation under the laws of the State of Michigan, and of the United States of America, including any municipal taxation; and whereas the applicants for incorporation by their petition have prayed that the Company, and its Assignee, if any, be exempted from municipal taxes within the City of Sault Ste. Marie in the Province of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the incorporation of the St. Mary's River Bridge Company as a non-profit corporation within the terms of Exemption
from
taxation *The Corporations Tax Act*, and while it is and operates as such non-profit corporation, all real property, structures, easements and other rights, including the portion of the bridge or tunnel to be built in Ontario, of the Company which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and also the Company, shall, for a period not exceeding forty years,
Rev. Stat.,
c. 72

during which any debentures, bonds or other securities issued for or in connection with the financing of the construction of the said bridge or tunnel are unpaid and outstanding, be exempt from all municipal taxation by The Corporation of the City of Sault Ste. Marie, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes.

Application
to Assignee

2. The exemption shall apply to the Assignee and to the real property, structure, easements and other rights after and notwithstanding their transfer or assignment to the Assignee or their acquirement by the Assignee after and by virtue of such transfer and assignment.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The St. Mary's River Bridge Company Act, 1955*.

BILL

An Act respecting St. Mary's River
Bridge Company

1st Reading

2nd Reading

3rd Reading

MR. LYONS

(*Private Bill*)

No. 29

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting St. Mary's River Bridge Company

MR. LYONS

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting St. Mary's River Bridge Company

WHEREAS the applicants for incorporation by their Preamble
petition have represented that an application has been
made to the Parliament of Canada for an Act to incorporate
a company under the name of St. Mary's River Bridge Com-
pany, hereinafter called the Company, for the purpose of
constructing and operating a bridge or tunnel over or under
the St. Mary's River, between Sault Ste. Marie, Ontario,
and Sault Ste. Marie, Michigan, with powers incidental
thereto; that the Company will have power to enter into an
agreement with and to transfer and assign its rights, powers
and authority to a company, body or commission, hereinafter
called the Assignee, incorporated or created under the laws
of Canada or the United States of America; that the Company
will be organized as, and be, a non-profit corporation within
the meaning of *The Corporations Tax Act* and the *Income* Rev. Stat.,
c. 72
Tax Act (Canada); and that the Assignee to whom the Com- R.S.C. 1952,
c. 148
pany may assign its rights as aforesaid is to be exempt from
taxation under the laws of the State of Michigan, and of the
United States of America, including any municipal taxation;
and whereas the applicants for incorporation by their petition
have prayed that the Company, and its Assignee, if any, be
exempted from municipal taxes within the City of Sault
Ste. Marie in the Province of Ontario; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. On the incorporation of the St. Mary's River Bridge Exemption
from
Company as a non-profit corporation within the terms of taxation
The Corporations Tax Act, and while it is and operates as Rev. Stat.,
c. 72
such non-profit corporation, all real property, structures,
easements and other rights, including the portion of the
bridge or tunnel to be built in Ontario, of the Company which
are or may become subject to assessment and taxation by
The Corporation of the City of Sault Ste. Marie, and also the
Company, shall, for a period not exceeding forty years,

during which any debentures, bonds or other securities issued for or in connection with the financing of the construction of the said bridge or tunnel are unpaid and outstanding, be exempt from all municipal taxation by The Corporation of the City of Sault Ste. Marie, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes.

Application
to Assignee

2. The exemption shall apply to the Assignee and to the real property, structure, easements and other rights after and notwithstanding their transfer or assignment to the Assignee or their acquirement by the Assignee after and by virtue of such transfer and assignment.

Exemption
of The
International
Transit
Company,
Limited
from
taxation

3.—(1) On and after the day the bridge or tunnel to be built by the St. Mary's River Bridge Company is opened for use to the public, all real property, structures, easements and other rights of The International Transit Company, Limited used for the purposes of or in connection with the operation of a ferry service across the St. Mary's River which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and the Company, shall be exempt from all municipal taxation by the Corporation to the same extent and so long as the property, structures, easements and other rights of the St. Mary's River Bridge Company are exempt from municipal taxation by the Corporation under this Act.

Expiration
of exemption

(2) The exemption granted under subsection 1 shall cease to apply when The International Transit Company, Limited ceases to operate a ferry service across the St. Mary's River.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The St. Mary's River Bridge Company Act, 1955*.

BILL

An Act respecting St. Mary's River
Bridge Company

1st Reading

February 28th, 1955

2nd Reading

March 18th, 1955

3rd Reading

MR. LYONS

(*Reprinted as amended by the Committee
of the Whole House*)

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting St. Mary's River Bridge Company

MR. LYONS

No. 29

1955

BILL

An Act respecting St. Mary's River Bridge Company

WHEREAS the applicants for incorporation by their Preamble petition have represented that an application has been made to the Parliament of Canada for an Act to incorporate a company under the name of St. Mary's River Bridge Company, hereinafter called the Company, for the purpose of constructing and operating a bridge or tunnel over or under the St. Mary's River, between Sault Ste. Marie, Ontario, and Sault Ste. Marie, Michigan, with powers incidental thereto; that the Company will have power to enter into an agreement with and to transfer and assign its rights, powers and authority to a company, body or commission, hereinafter called the Assignee, incorporated or created under the laws of Canada or the United States of America; that the Company will be organized as, and be, a non-profit corporation within the meaning of *The Corporations Tax Act* and the *Income Tax Act* (Canada); and that the Assignee to whom the Company may assign its rights as aforesaid is to be exempt from taxation under the laws of the State of Michigan, and of the United States of America, including any municipal taxation; and whereas the applicants for incorporation by their petition have prayed that the Company, and its Assignee, if any, be exempted from municipal taxes within the City of Sault Ste. Marie in the Province of Ontario; and whereas it is expedient to grant the prayer of the petition;

Rev. Stat.,
c. 72
R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the incorporation of the St. Mary's River Bridge Company as a non-profit corporation within the terms of *The Corporations Tax Act*, and while it is and operates as such non-profit corporation, all real property, structures, easements and other rights, including the portion of the bridge or tunnel to be built in Ontario, of the Company which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and also the Company, shall, for a period not exceeding forty years,

Exemption
from
taxation
Rev. Stat.,
c. 72

during which any debentures, bonds or other securities issued for or in connection with the financing of the construction of the said bridge or tunnel are unpaid and outstanding, be exempt from all municipal taxation by The Corporation of the City of Sault Ste. Marie, including, without limiting the generality of the foregoing, local improvement and school rates and business taxes.

Application
to Assignee

2. The exemption shall apply to the Assignee and to the real property, structure, easements and other rights after and notwithstanding their transfer or assignment to the Assignee or their acquirement by the Assignee after and by virtue of such transfer and assignment.

Exemption
of The
International
Transit
Company,
Limited
from
taxation

3.—(1) On and after the day the bridge or tunnel to be built by the St. Mary's River Bridge Company is opened for use to the public, all real property, structures, easements and other rights of The International Transit Company, Limited used for the purposes of or in connection with the operation of a ferry service across the St. Mary's River which are or may become subject to assessment and taxation by The Corporation of the City of Sault Ste. Marie, and the Company, shall be exempt from all municipal taxation by the Corporation to the same extent and so long as the property, structures, easements and other rights of the St. Mary's River Bridge Company are exempt from municipal taxation by the Corporation under this Act.

Expiration
of exemption

(2) The exemption granted under subsection 1 shall cease to apply when The International Transit Company, Limited ceases to operate a ferry service across the St. Mary's River.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The St. Mary's River Bridge Company Act, 1955*.

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BILL
An Act respecting St. Mary's River
Bridge Company

1st Reading

February 28th, 1955

2nd Reading

March 18th, 1955

3rd Reading

March 30th, 1955

MR. LYONS

No. 31

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting Galt Hospital Trust and South Waterloo
Memorial Hospital Incorporated

MR. MYERS

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated

WHEREAS the petitioners by their petition have repre- Preamble
sented that the Galt Hospital Trust has ceased to carry
on business, has sold its buildings, paid its debts, and a new
hospital has been built by the City of Galt, the Town of
Preston, the Town of Hespeler, and the Township of North
Dumfries, known as the South Waterloo Memorial Hospital
Incorporated, and situate in the City of Galt; and whereas
it is expedient that a disposition should be made of certain
trusts and endowments, and of the balance of the assets of the
Galt Hospital Trust; and whereas the petitioners by their
petition have prayed for special legislation in respect of the
several matters hereinafter set forth; and whereas it is expe-
dient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. All wills and other instruments that have created or Instruments
creating
benefits
may hereafter create any benefits for or payable to the Galt
Hospital Trust or the Galt Hospital shall be construed and
take effect as if the words South Waterloo Memorial Hospital
Incorporated were substituted for the words Galt Hospital
Trust or Galt Hospital, as the case may be, in the will or
instrument.

2. Except as hereinafter provided, all gifts, benefits, trusts, Vesting of
benefits
bequests and endowments, together with any unexpended
income therefrom in favour of or benefiting the Galt Hospital
Trust are hereby vested in the South Waterloo Memorial
Hospital Incorporated to the same extent and subject to the
terms and conditions contained in the instrument creating a
gift, benefit, trust, bequest or endowment as if the South
Waterloo Memorial Hospital Incorporated was named as
beneficiary in the said instrument.

McCulloch
Memorial
Home

Rev. Stat.,
c. 49

Vesting of
real and
personal
property

Galt
Hospital
Trust
dissolved

Commence-
ment

Short title

3. The income from the trust fund given for the purpose of the furnishing and upkeep of the building known as the McCulloch Memorial Home shall be used by the Trustees of the said fund for the upkeep and furnishing of the said building as long as the building is used for charitable purposes by a charitable institution as defined in *The Charitable Institutions Act* and if the said building ceases to be used by such a charitable institution for charitable purposes, the income from the said fund shall be paid to the South Waterloo Memorial Hospital Incorporated.

4. Save and excepting the gifts, benefits, trusts, bequests and endowments set out in the preceding sections of this Act, all real and personal property and all other assets remaining in the hands of the Galt Hospital Trust are hereby vested in The Corporation of the City of Galt and become the absolute property of the Corporation.

5. The Galt Hospital Trust, a corporation incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, is hereby dissolved.

6. This Act comes into force on the day it receives Royal Assent.

7. This Act may be cited as *The Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated Act, 1955*.

BILL

An Act respecting Galt Hospital Trust and
South Waterloo Memorial Hospital
Incorporated

1st Reading

2nd Reading

3rd Reading

MR. MYERS

(*Private Bill*)

No. 31

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting Galt Hospital Trust and South Waterloo
Memorial Hospital Incorporated

MR. MYERS

(Reprinted as amended by the Committee on Private Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 31

1955

BILL

An Act respecting Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated

WHEREAS the petitioners by their petition have repre- Preamble
sented that the Galt Hospital Trust has ceased to carry
on business, has sold its buildings, paid its debts, and a new
hospital has been built by the City of Galt, the Town of
Preston, the Town of Hespeler, and the Township of North
Dumfries, known as the South Waterloo Memorial Hospital
Incorporated, and situate in the City of Galt; and whereas
it is expedient that a disposition should be made of certain
trusts and endowments, and of the balance of the assets of the
Galt Hospital Trust; and whereas the petitioners by their
petition have prayed for special legislation in respect of the
several matters hereinafter set forth; and whereas it is expedi-
ent to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. All wills and other instruments that have created or Instruments
creating
benefits
may hereafter create any benefits for or payable to the Galt
Hospital Trust or the Galt Hospital shall be construed and
take effect as if the words South Waterloo Memorial Hospital
Incorporated were substituted for the words Galt Hospital
Trust or Galt Hospital, as the case may be, in the will or
instrument.

2. Except as provided in section 3, all gifts, benefits, Vesting of
benefits
trusts, bequests and endowments, together with any un-
expended income therefrom in favour of or benefiting the Galt
Hospital Trust are hereby vested in the South Waterloo
Memorial Hospital Incorporated to the same extent and sub-
ject to the terms and conditions contained in the instrument
creating a gift, benefit, trust, bequest or endowment as if the
South Waterloo Memorial Hospital Incorporated was named
as beneficiary in the said instrument.

McCulloch
Memorial
Home

3. The income from the trust fund given for the purpose of the furnishing and upkeep of the building known as the McCulloch Memorial Home shall be used by the Trustees of the said fund for the upkeep and furnishing of the said building as long as the building is used for charitable purposes by a charitable institution as defined in *The Charitable Institutions Act* and if the said building ceases to be used by such a charitable institution for charitable purposes, the income from the said fund shall be paid to the South Waterloo Memorial Hospital Incorporated.

Rev. Stat.,
c. 49

Vesting of
real and
personal
property

4. Save and excepting the gifts, benefits, trusts, bequests and endowments set out in the preceding sections of this Act, all real and personal property and all other assets remaining in the hands of the Galt Hospital Trust are hereby vested in The Corporation of the City of Galt and become the absolute property of the Corporation.

Galt
Hospital
Trust
dissolved

5. The Galt Hospital Trust, a corporation incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, is hereby dissolved.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated Act, 1955*.

BILL

An Act respecting Galt Hospital Trust and
South Waterloo Memorial Hospital
Incorporated

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. MYERS

*(Reprinted as amended by the Committee
on Private Bills)*

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act respecting Galt Hospital Trust and South Waterloo
Memorial Hospital Incorporated

MR. MYERS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

THE UNIVERSITY OF CHICAGO
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THE UNIVERSITY OF CHICAGO
LIBRARY

BILL

An Act respecting Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated

WHEREAS the petitioners by their petition have repre- Preamble
sented that the Galt Hospital Trust has ceased to carry
on business, has sold its buildings, paid its debts, and a new
hospital has been built by the City of Galt, the Town of
Preston, the Town of Hespeler, and the Township of North
Dumfries, known as the South Waterloo Memorial Hospital
Incorporated, and situate in the City of Galt; and whereas
it is expedient that a disposition should be made of certain
trusts and endowments, and of the balance of the assets of the
Galt Hospital Trust; and whereas the petitioners by their
petition have prayed for special legislation in respect of the
several matters hereinafter set forth; and whereas it is expe-
dient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. All wills and other instruments that have created or Instruments
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may hereafter create any benefits for or payable to the Galt
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Incorporated were substituted for the words Galt Hospital
Trust or Galt Hospital, as the case may be, in the will or
instrument.

2. Except as provided in section 3, all gifts, benefits, Vesting of
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trusts, bequests and endowments, together with any un-
expended income therefrom in favour of or benefiting the Galt
Hospital Trust are hereby vested in the South Waterloo
Memorial Hospital Incorporated to the same extent and sub-
ject to the terms and conditions contained in the instrument
creating a gift, benefit, trust, bequest or endowment as if the
South Waterloo Memorial Hospital Incorporated was named
as beneficiary in the said instrument.

McCulloch
Memorial
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3. The income from the trust fund given for the purpose of the furnishing and upkeep of the building known as the McCulloch Memorial Home shall be used by the Trustees of the said fund for the upkeep and furnishing of the said building as long as the building is used for charitable purposes by a charitable institution as defined in *The Charitable Institutions Act* and if the said building ceases to be used by such a charitable institution for charitable purposes, the income from the said fund shall be paid to the South Waterloo Memorial Hospital Incorporated.

Rev. Stat.,
c. 49

Vesting of
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4. Save and excepting the gifts, benefits, trusts, bequests and endowments set out in the preceding sections of this Act, all real and personal property and all other assets remaining in the hands of the Galt Hospital Trust are hereby vested in The Corporation of the City of Galt and become the absolute property of the Corporation.

Galt
Hospital
Trust
dissolved

5. The Galt Hospital Trust, a corporation incorporated under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, is hereby dissolved.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Galt Hospital Trust and South Waterloo Memorial Hospital Incorporated Act, 1955*.

BILL

An Act respecting Galt Hospital Trust and
South Waterloo Memorial Hospital
Incorporated

1st Reading

February 28th, 1955

2nd Reading

March 23rd, 1955

3rd Reading

March 30th, 1955

MR. MYERS

No. 32

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act respecting the
Mount Hamilton Branch of the Canadian Legion

MR. CHILD

(PRIVATE BILL)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 32

1955

BILL

An Act respecting the Mount Hamilton Branch of the Canadian Legion

WHEREAS the Trustees of the Mount Hamilton Branch Preamble
of the Canadian Legion of the British Empire Service
League by their petition have represented that the lands and
premises described in the Schedule hereto were purchased by
the Trustees under an Agreement dated the 30th day of
November, 1948, set forth as the Schedule to *The Mount* 1950, c. 107
Hamilton Branch of the Canadian Legion of the British Empire
Service League Act, 1950; and whereas such lands and premises
are held by the Trustees subject to certain trusts and to
certain terms and conditions in the Agreement; and whereas
the petitioners have prayed for special legislation to authorize
the sale of such lands and premises; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Trustees for the time being of the Mount Hamilton Trustees
Branch of the Canadian Legion of the British Empire Service authorized
League may sell, dispose of and convey by public auction or to sell
private sale for such price in cash or payable in instalments lands and
or secured by mortgages or otherwise as the Trustees may deem premises
reasonable the lands and premises described in the Schedule
hereto free and clear of all trusts to which the lands and
premises are subject and of all terms and conditions with
respect to such lands and premises contained in the said
Agreement.

2. A deed executed by such Trustees shall vest in the Vesting
purchaser of such lands and premises a full, clear and absolute of title
title to the lands and premises conveyed by the deed, free and free of
clear of all trusts to which the lands and premises are subject trusts
and of all terms and conditions with respect to such lands and
premises contained in the said Agreement.

Commence-
ment

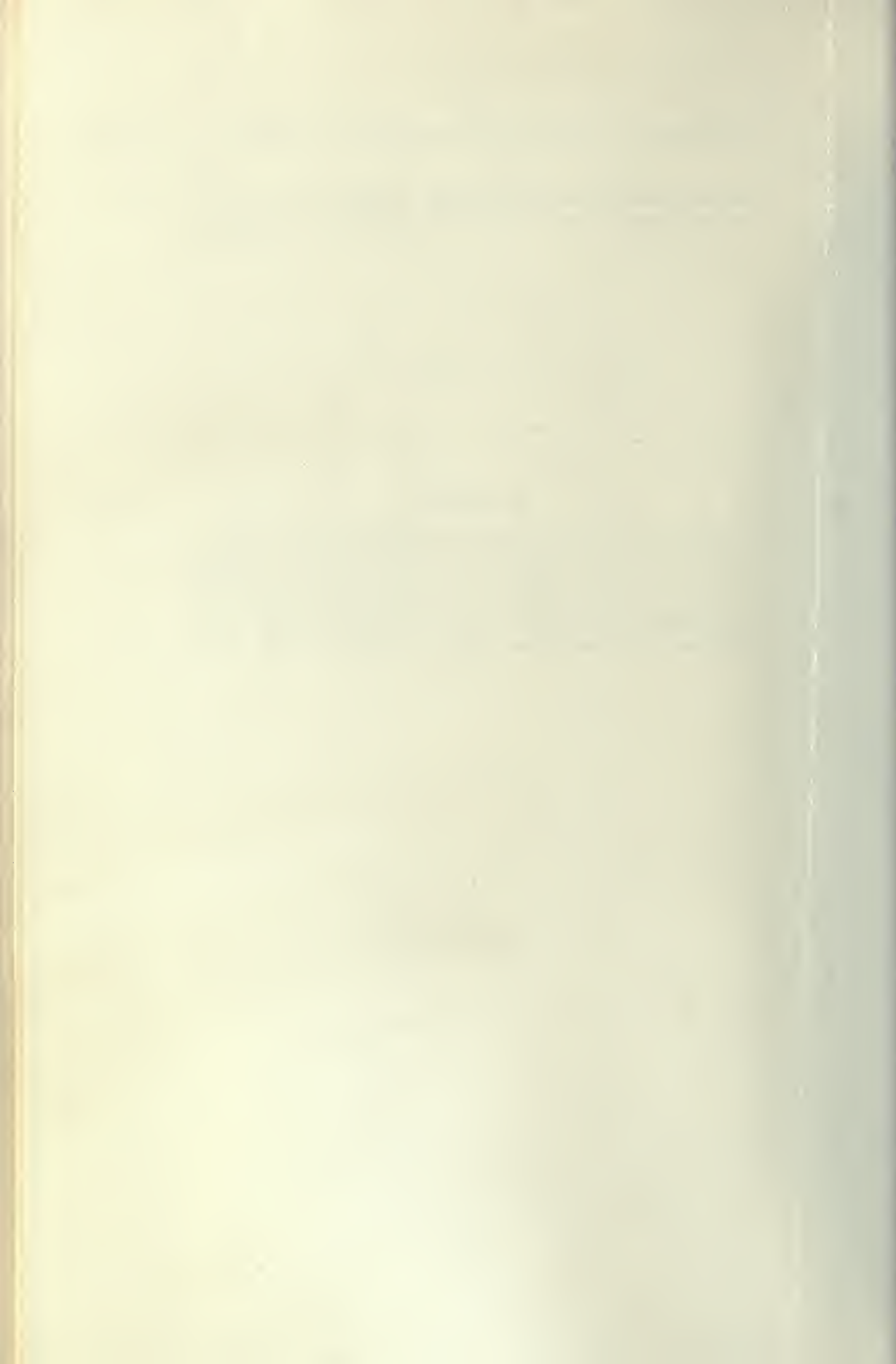
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Mount Hamilton Branch of the Canadian Legion of the British Empire Service League Act, 1955*.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being composed of the northeast angle of Park Lot Number One in Block D of a survey of Park lots made for Edward and John F. Moore by Thomas Allan Blythe, P.L.S., and called Mountsville, and being part of Lot Number Ten in the Fourth Concession of the Township of Barton, and which piece of land extends along Mountain Street fifty feet, and runs back at right angles to a distance of eighty feet, which property is commonly known as 570 Concession Street, Mount Hamilton.



BILL

An Act respecting the Mount Hamilton
Branch of the Canadian Legion

1st Reading

2nd Reading

3rd Reading

MR. CHILD

(*Private Bill*)

No. 33

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Telegraph Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Act, which has remained unchanged since 1877 (with the exception of one minor amendment made in 1927), is obsolete. It is therefore repealed.

BILL

An Act to repeal The Telegraph Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telegraph Act* is repealed. Rev. Stat.,
c. 386, re-
pealed
2. This Act may be cited as *The Telegraph Repeal Act*, Short title 1955.

BILL

An Act to repeal The Telegraph Act

1st Reading

February 8th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 33

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Telegraph Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 33

1955

BILL

An Act to repeal The Telegraph Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telegraph Act* is repealed.

Rev. Stat.,
c. 386, re-
pealed

2. This Act may be cited as *The Telegraph Repeal Act*, Short title
1955.

BILL

An Act to repeal The Telegraph Act

1st Reading

February 8th, 1955

2nd Reading

February 11th, 1955

3rd Reading

March 4th, 1955

MR. PORTER

No. 34

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The University of Toronto Act, 1947

MR. DUNLOP

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. This bill is designed to effect two purposes—first, to bring the provisions of the Act respecting the composition of the Senate of the University into line with changes recently put into effect pursuant to a statute of the Senate (section 3); second, to provide for the election of the Chancellor of the University by a new body to be known as the “Committee of Election” (sections 1, 2 and 4). At the present time the Chancellor is appointed by the Board of Governors and the Senate on the nomination of the Committee of Nomination.

SECTION 1. The Committee of Nomination is replaced by the Committee of Election, the function of which is to elect the Chancellor of the University.

SECTION 2. These amendments are designed to ensure that the Committee of Election will function in the manner set out in the Act. This result is accomplished by placing the Committee of Election in the same relationship to the Board of Governors as the Senate now is in respect of alteration of powers, etc.

SECTION 3. This section, which prescribes the composition of the Senate of the University, is brought into line with the existing situation established under a statute of the Senate.

BILL

An Act to amend The University of Toronto Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The University of Toronto Act, 1947* is amended by striking out the word "Nomination" in the first and second lines, respectively, and inserting in lieu thereof the word "Election", so that the clause shall read as follows:

(*g*) "Committee of Election" shall mean Committee of Election established under this Act. 1947, c. 112, s. 1, cl. *g*, amended

2. Section 33 of *The University of Toronto Act, 1947* is amended by inserting after the word "Senate" in the third line the words "and the Committee of Election" and by adding at the end thereof the words "or the powers conferred upon the Committee of Election by sections 62 to 67", so that the section shall read as follows:

33. The Board may modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate and the Committee of Election, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48 or the powers conferred upon the Committee of Election by sections 62 to 67. Alterations to constitution

3. Section 42 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor: 1947, c. 112, s. 42, re-enacted

42.—(1) The Senate of the University shall be composed as follows: Senate, how composed

(a) The following shall be *ex officio* members:

1. The Chancellor.
2. The President.
3. The Chairman of the Board.
4. The Principal of University College.
5. The President of Victoria University.
6. The Provost of Trinity College.
7. The Superior of St. Michael's College.
8. The Principal of Knox College.
9. The Principal of Wycliffe College.
10. The Principal of Emmanuel College.
11. The President of the Ontario Agricultural College.
12. The Principal of the Ontario Veterinary College.
13. The Dean of the Faculty of Arts.
14. The Dean of the Faculty of Medicine.
15. The Dean of the Faculty of Applied Science and Engineering.
16. The Dean of the Ontario College of Education.
17. The Dean of the Faculty of Forestry.
18. The Dean of the Royal Conservatory of Music of Toronto.
19. The Dean of the School of Graduate Studies.
20. The Dean of the Faculty of Dentistry.
21. The Dean of the School of Law.
22. The Dean of the Faculty of Pharmacy.
23. The Director of the Library School.
24. The Director of the Faculty of Music.
25. The Director of the School of Architecture.
26. The Director of the School of Physical and Health Education.
27. The Director of the School of Social Work.
28. The Director of the School of Nursing.
29. The Director of the School of Hygiene.
30. The Director of the Institute of Child Study.
31. The Director of the Institute of Business Administration.
32. The Director of the Department of University Extension.
33. The Librarian.
34. The President of the University of Toronto Alumni Association.

(b) Members shall be appointed as follows:

1. Two members by University College.
2. One member by Victoria University.
3. Three members by the University of Trinity College.
4. Two members by St. Michael's College.
5. One member by Knox College.
6. One member by Wycliffe College.
7. One member by Emmanuel College.
8. One member by the Law Society of Upper Canada.
9. One member by the College of Physicians and Surgeons of Ontario.
10. One member by the Royal College of Dental Surgeons of Ontario.
11. One member by the Ontario Association of Architects.
12. One member by the Association of Professional Engineers of Ontario.

(c) Members shall be elected by and from among the members of college, faculty and school councils as follows:

1. The Faculty of Arts, thirty members.
2. The Faculty of Medicine, five members.
3. The Faculty of Applied Science and Engineering, six members.
4. The Faculty of Household Science, one member.
5. The Ontario College of Education, two members.
6. The Faculty of Forestry, one member.
7. The Faculty of Music, one member.
8. The School of Graduate Studies, five members.
9. The Faculty of Dentistry, two members.
10. The School of Law, one member.
11. The Faculty of Pharmacy, one member.
12. The School of Architecture, one member.
13. The School of Physical and Health Education, one member.
14. The School of Social Work, one member.
15. The School of Nursing, one member.
16. The Department of University Extension, one member.

(d) Each of the following groups shall elect the number of members indicated:

1. The graduates in arts and science of the University who at the time of graduation were enrolled in University College, seven members.
2. The graduates in arts and science of Victoria University and the graduates in arts and science of the University who at the time of graduation were enrolled in Victoria College, six members.
3. The graduates in arts and science of Trinity College and the graduates in arts and science of the University who at the time of graduation were enrolled in Trinity College, three members.
4. The graduates in arts and science of the University who at the time of graduation were enrolled in St. Michael's College, three members.
5. The Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member.
6. The Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, two members.
7. The graduates in medicine, four members.
8. The graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members.
9. The graduates in architecture, one member.
10. The graduates in household science, one member.
11. The graduates in pedagogy, two members.
12. The graduates in library science, one member.
13. The graduates in forestry, one member.

14. The graduates in music, one member.
15. The graduates in dentistry, three members.
16. The graduates in law, one member.
17. The graduates in pharmacy, three members.
18. The graduates in physical and health education, one member.
19. The graduates in social work, one member.
20. The graduates in nursing, one member.
21. The graduates in agriculture, three members.
22. The graduates in veterinary science, two members.
23. Such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members.
24. Such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member.

(e) A university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five.

(f) Where a new college, faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the college, faculty, school, institute or department and of the graduates of the college, faculty, school, institute or department.

- (2) The representation of the Faculty of Arts as provided in item 1 of clause c of subsection 1 is to be divided between the University and the Arts Colleges in the ratio of three to two so that eighteen members of the Senate shall be elected by and from among the members of the Council of the Faculty of Arts who
- Faculty of
Arts repre-
sentation

are members of University teaching departments and twelve members of the Senate shall be elected by and from among the members of the councils of the four Arts Colleges, namely, University College, three members, Victoria College, three members, Trinity College, three members and St. Michael's College, three members.

Alternate members

- (3) College, faculty and school councils entitled to elect a member or members of such councils to the Senate may designate for each such elected member an alternate member from among the members of their respective councils and every such alternate member shall have all the privileges of a member of the Senate at any meeting of the Senate which he attends in the absence of the member whose alternate he is.

1947, c. 112,
ss. 62-67,
re-enacted

4. Sections 62 to 67 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

The Chancellor

- 62.—(1) There shall be a Chancellor of the University who shall be elected by the Committee of Election.

Who eligible

- (2) No person shall be elected to or occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario.

Who ineligible

- (3) No person shall be elected to or occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college.

Nomination not affected

- (4) Subsection 3 shall not render any person ineligible for nomination for the office of Chancellor.

Nominations by graduates

- 63.—(1) The Committee of Election shall elect the Chancellor from nominations made to the Committee of Election by graduates of the University entitled to vote at Senate elections.

Form and delivery of nominations

- (2) Every nomination made to the Committee of Election shall be in writing signed by at least ten graduates entitled to vote at Senate elections and

SECTION 4. The group of sections dealing with the office of Chancellor of the University are re-enacted in order to provide for the election of the Chancellor by the Committee of Election.

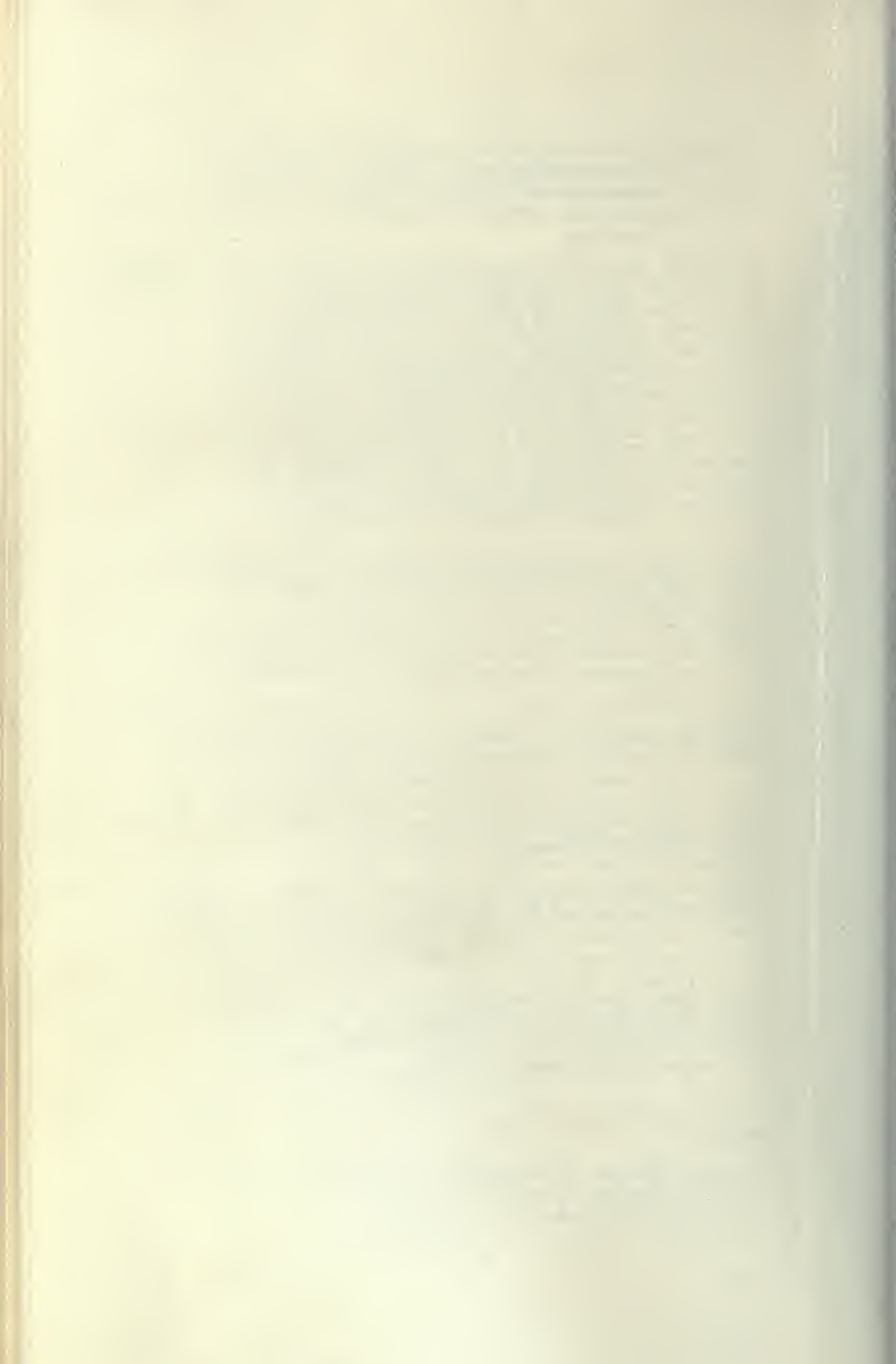
shall be addressed to the secretary of the Committee of Election and shall be delivered at the office of the Registrar, or if sent by mail, received at such office not later than,

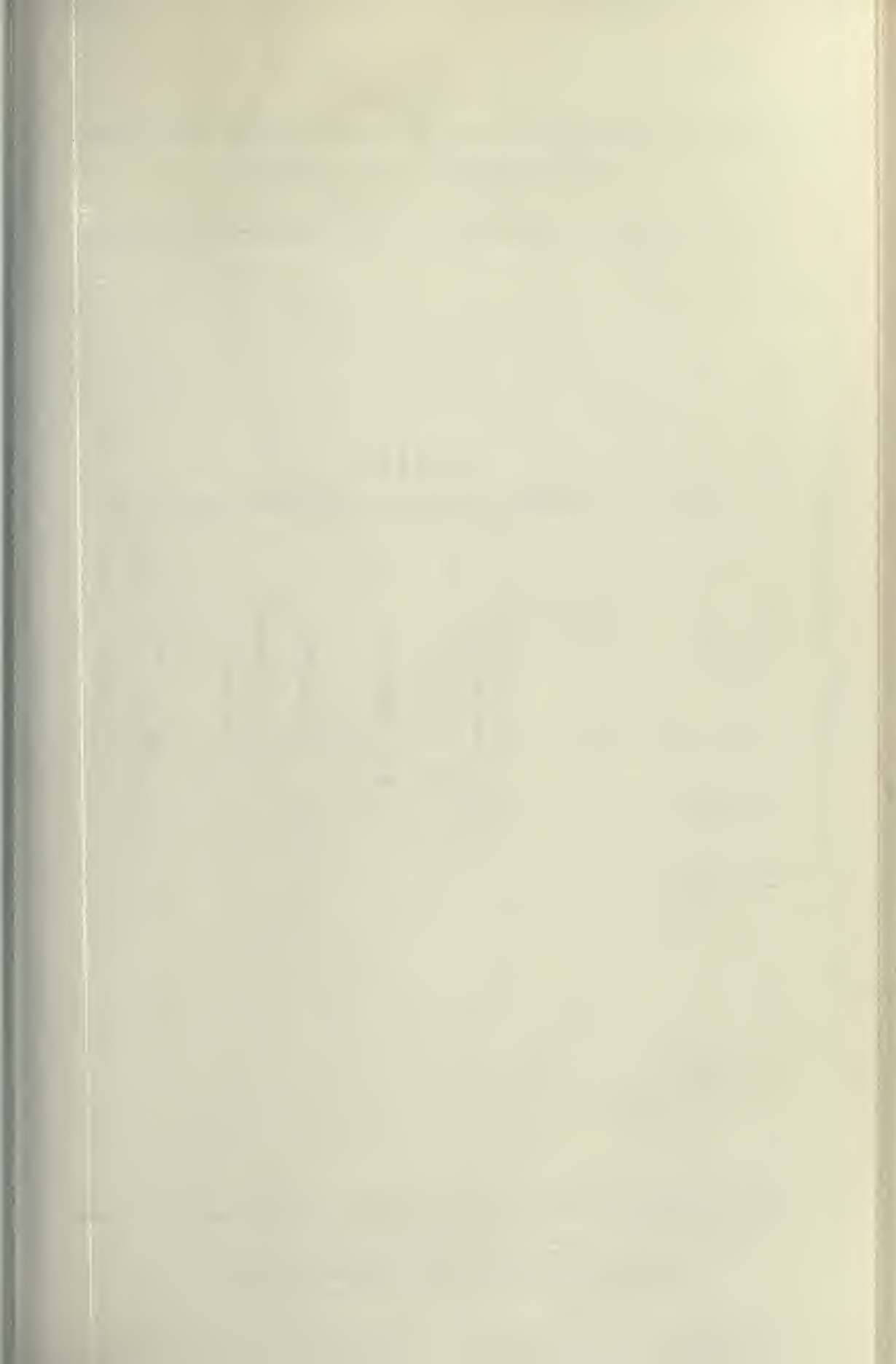
- (a) except in the cases mentioned in clause *b*, the first Wednesday in April of the year in which the term of the office of Chancellor expires;
 - (b) in the case of the filling of a vacancy under section 65, a date to be fixed by the Committee of Election and published in such manner as it may determine.
- (3) Upon the election of the Chancellor, notice thereof in writing over the signatures of the chairman and secretary of the Committee of Election shall be given to the Board and to the Senate. Notice of election of Chancellor
64. Subject to section 65, the term of office of the Chancellor shall be three years commencing with the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only. Term of office
65. If a vacancy in the office of Chancellor occurs for any cause, the vacancy shall be filled by the election by the Committee of Election of a successor, and the successor so elected shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Election and ending on the 30th day of June in such year as the Committee of Election may designate, and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only. Procedure upon vacancy
66. If the Chancellor ceases to be eligible for such office or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration in writing of the existence of such vacancy by the Committee of Election to the Board and to the Senate shall be conclusive evidence thereof. where Chancellor becomes ineligible
- 67.—(1) The Committee of Election shall be composed of, Committee of Election
- (a) the President of the University of Toronto Alumni Association; and

- 1955, c. . .
- (b) the members of the Senate elected pursuant to items 1 to 22 of clause *d* of subsection 1 of section 42 as re-enacted by section 3 of *The University of Toronto Amendment Act, 1955*.
- First meeting of Committee
- (2) The Registrar shall, on or before the 1st day of May, 1955, send by registered mail to each member of the Committee of Election, at his address as it appears in the Election Register as defined in section 85, notice of the first meeting of the Committee, which meeting shall be held at the University on a date not less than fourteen days after the day on which notice is so mailed and not more than thirty days after the said day of mailing at a time to be specified in the notice and until a chairman is elected by the members present, the Registrar shall act as chairman of the meeting, but he shall not be entitled to vote.
- Chairman
- (3) The Committee of Election shall elect from among its members a chairman who shall hold office during the pleasure of the Committee and who shall preside at all meetings of the Committee at which he is present.
- Acting chairman
- (4) In the absence of the chairman of the Committee of Election, the members present shall elect from among their number an acting chairman who shall preside at the meeting.
- Secretary
- (5) The Committee of Election shall elect from among its members a secretary who shall hold office during the pleasure of the Committee and it shall be the duty of the secretary to keep a record of the proceedings of the Committee and to perform such other duties as may from time to time be assigned to him by the Committee.
- Meetings
- (6) The Committee of Election shall meet at such times and places and on such notice as may be fixed by it by regulation, but if at any time there is no such regulation in force a meeting may be held subject to the following conditions:
- (a) The meeting shall be held at the University.
- (b) Notice in writing of the time and place of the meeting shall be sent by registered mail to each member of the Committee of Election at his address as it appears in the Election

Register as defined in section 85 at least fourteen days before the day on which the meeting is to be held setting out in a general way the business to be transacted at the meeting.

- (c) Notice as aforesaid shall be given by the secretary on the written instructions of the chairman of the Committee of Election, and if there is no chairman in office the notice shall be given by the secretary on the written instructions of any two members of the Committee of Election, and if there is no secretary in office the notice shall be given by the Registrar on the written instructions of the chairman or, if there is no chairman in office, on the written instructions of any two members of the Committee of Election.
 - (7) Thirty-three members of the Committee of Election ^{Quorum} shall constitute a quorum at a meeting of the Committee.
 - (8) Each member of the Committee of Election, present ^{Voting} at a meeting of the Committee, shall be entitled to one vote.
 - (9) All questions at a meeting of the Committee of ^{Idem} Election shall be decided by a majority of the votes of the members present and the chairman or acting chairman and the secretary may vote on all motions and any motion on which there is an equality of votes shall be deemed to be negatived.
 - (10) Notwithstanding any vacancy in the Committee of Election and pending the filling of any such vacancy in accordance with clause *c* of section 46, or in the case of a vacancy in the office of President of the University of Toronto Alumni Association and pending the election of a new president of the said Association, as long as there are at least thirty-three members of the Committee of Election it shall be competent for the Committee to exercise all or any of its powers. ^{Thirty-three members may exercise powers}
- 5.** This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}
- 6.** This Act may be cited as *The University of Toronto* ^{Short title} *Amendment Act, 1955.*





BILL

An Act to amend The University of
Toronto Act, 1947

1st Reading

February 11th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 34

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The University of Toronto Act, 1947

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The University of Toronto Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The University of Toronto Act, 1947*, c. 112, is amended by striking out the word "Nomination", ^{s. 1, cl. *g*, amended} in the first and second lines respectively and inserting in lieu thereof the word "Election", so that the clause shall read as follows:

(*g*) "Committee of Election" shall mean Committee of ^{"Committee of Election"} Election established under this Act.

2. Section 33 of *The University of Toronto Act, 1947* is ^{1947,} amended by inserting after the word "Senate" in the third ^{c. 112, s. 33, amended} line the words "and the Committee of Election" and by adding at the end thereof the words "or the powers conferred upon the Committee of Election by sections 62 to 67", so that the section shall read as follows:

33. The Board may modify, alter and change the consti- ^{Alterations to constitu-} tution of any body constituted or continued by this ^{tion} Act, except the Senate and the Committee of Election, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48 or the powers conferred upon the Committee of Election by sections 62 to 67.

3. Section 42 of *The University of Toronto Act, 1947* is ^{1947,} repealed and the following substituted therefor: ^{c. 112, s. 42, re-enacted}

42.—(1) The Senate of the University shall be composed ^{Senate, how composed} as follows:

(a) The following shall be *ex officio* members:

1. The Chancellor.
2. The President.
3. The Chairman of the Board.
4. The Principal of University College.
5. The President of Victoria University.
6. The Provost of Trinity College.
7. The Superior of St. Michael's College.
8. The Principal of Knox College.
9. The Principal of Wycliffe College.
10. The Principal of Emmanuel College.
11. The President of the Ontario Agricultural College.
12. The Principal of the Ontario Veterinary College.
13. The Dean of the Faculty of Arts.
14. The Dean of the Faculty of Medicine.
15. The Dean of the Faculty of Applied Science and Engineering.
16. The Dean of the Ontario College of Education.
17. The Dean of the Faculty of Forestry.
18. The Dean of the Royal Conservatory of Music of Toronto.
19. The Dean of the School of Graduate Studies.
20. The Dean of the Faculty of Dentistry.
21. The Dean of the School of Law.
22. The Dean of the Faculty of Pharmacy.
23. The Director of the Library School.
24. The Director of the Faculty of Music.
25. The Director of the School of Architecture.
26. The Director of the School of Physical and Health Education.
27. The Director of the School of Social Work.
28. The Director of the School of Nursing.
29. The Director of the School of Hygiene.
30. The Director of the Institute of Child Study.
31. The Director of the Institute of Business Administration.
32. The Director of the Department of University Extension.
33. The Librarian.
34. The President of the University of Toronto Alumni Association.

(b) Members shall be appointed as follows:

1. Two members by University College.
2. One member by Victoria University.
3. Three members by the University of Trinity College.
4. Two members by St. Michael's College.
5. One member by Knox College.
6. One member by Wycliffe College.
7. One member by Emmanuel College.
8. One member by the Law Society of Upper Canada.
9. One member by the College of Physicians and Surgeons of Ontario.
10. One member by the Royal College of Dental Surgeons of Ontario.
11. One member by the Ontario Association of Architects.
12. One member by the Association of Professional Engineers of Ontario.

(c) Members shall be elected by and from among the members of college, faculty and school councils as follows:

1. The Faculty of Arts, thirty members.
2. The Faculty of Medicine, five members.
3. The Faculty of Applied Science and Engineering, six members.
4. The Faculty of Household Science, one member.
5. The Ontario College of Education, two members.
6. The Faculty of Forestry, one member.
7. The Faculty of Music, one member.
8. The School of Graduate Studies, five members.
9. The Faculty of Dentistry, two members.
10. The School of Law, one member.
11. The Faculty of Pharmacy, one member.
12. The School of Architecture, one member.
13. The School of Physical and Health Education, one member.
14. The School of Social Work, one member.
15. The School of Nursing, one member.
16. The Department of University Extension, one member.

(d) Each of the following groups shall elect the number of members indicated:

1. The graduates in arts and science of the University who at the time of graduation were enrolled in University College, seven members.
2. The graduates in arts and science of Victoria University and the graduates in arts and science of the University who at the time of graduation were enrolled in Victoria College, six members.
3. The graduates in arts and science of Trinity College and the graduates in arts and science of the University who at the time of graduation were enrolled in Trinity College, three members.
4. The graduates in arts and science of the University who at the time of graduation were enrolled in St. Michael's College, three members.
5. The Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member.
6. The Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, two members.
7. The graduates in medicine, four members.
8. The graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members.
9. The graduates in architecture, one member.
10. The graduates in household science, one member.
11. The graduates in pedagogy, two members.
12. The graduates in library science, one member.
13. The graduates in forestry, one member.

14. The graduates in music, one member.
15. The graduates in dentistry, three members.
16. The graduates in law, one member.
17. The graduates in pharmacy, three members.
18. The graduates in physical and health education, one member.
19. The graduates in social work, one member.
20. The graduates in nursing, one member.
21. The graduates in agriculture, three members.
22. The graduates in veterinary science, two members.
23. Such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members.
24. Such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member.

(e) A university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five.

(f) Where a new college, faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the college, faculty, school, institute or department and of the graduates of the college, faculty, school, institute or department.

- (2) The representation of the Faculty of Arts as provided in item 1 of clause c of subsection 1 is to be divided ^{Faculty of Arts representation} between the University and the Arts Colleges in the ratio of three to two so that eighteen members of the Senate shall be elected by and from among the members of the Council of the Faculty of Arts who

are members of University teaching departments and twelve members of the Senate shall be elected by and from among the members of the councils of the four Arts Colleges, namely, University College, three members, Victoria College, three members, Trinity College, three members and St. Michael's College, three members.

Alternate
members

- (3) College, faculty and school councils entitled to elect a member or members of such councils to the Senate may designate for each such elected member an alternate member from among the members of their respective councils and every such alternate member shall have all the privileges of a member of the Senate at any meeting of the Senate which he attends in the absence of the member whose alternate he is.

1947, c. 112,
ss. 62-67,
re-enacted

4. Sections 62 to 67 of *The University of Toronto Act, 1947* are repealed and the following substituted therefor:

The
Chancellor

- 62.—(1) There shall be a Chancellor of the University who shall be elected by the Committee of Election.

Who eligible

- (2) No person shall be elected to or occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario.

Who in-
eligible

- (3) No person shall be elected to or occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college.

Nomination
not affected

- (4) Subsection 3 shall not render any person ineligible for nomination for the office of Chancellor.

Nominations
by graduates

- 63.—(1) The Committee of Election shall elect the Chancellor from nominations made to the Committee of Election by graduates of the University entitled to vote at Senate elections.

Form and
delivery of
nominations

- (2) Every nomination made to the Committee of Election shall be in writing signed by at least ten graduates entitled to vote at Senate elections and

shall be addressed to the secretary of the Committee of Election and shall be delivered at the office of the Registrar, or if sent by mail, received at such office not later than,

- (a) except in the cases mentioned in clause *b*, the first Wednesday in April of the year in which the term of the office of Chancellor expires;
 - (b) in the case of the filling of a vacancy under section 65, a date to be fixed by the Committee of Election and published in such manner as it may determine.
- (3) Upon the election of the Chancellor, notice thereof ^{Notice of election of Chancellor} in writing over the signatures of the chairman and secretary of the Committee of Election shall be given to the Board and to the Senate.
64. Subject to section 65, the term of office of the Chan- ^{Term of office} cellor shall be three years commencing with the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only.
65. If a vacancy in the office of Chancellor occurs for ^{Procedure upon vacancy} any cause, the vacancy shall be filled by the election by the Committee of Election of a successor, and the successor so elected shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Election and ending on the 30th day of June in such year as the Committee of Election may designate, and he shall hold office until his successor is elected and shall be eligible for re-election for one additional term of three years only.
66. If the Chancellor ceases to be eligible for such ^{Where Chancellor becomes ineligible} office or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration in writing of the existence of such vacancy by the Committee of Election to the Board and to the Senate shall be conclusive evidence thereof.
- 67.—(1) The Committee of Election shall be composed ^{Committee of Election} of,
- (a) the President of the University of Toronto Alumni Association; and

- (b) the members of the Senate elected pursuant to items 1 to 22 of clause *d* of subsection 1 of section 42.

First
meeting of
Committee

- (2) The Registrar shall, on or before the 1st day of May, 1955, send by registered mail to each member of the Committee of Election, at his address as it appears in the Election Register as defined in section 85, notice of the first meeting of the Committee, which meeting shall be held at the University on a date not less than fourteen days after the day on which notice is so mailed and not more than thirty days after the said day of mailing at a time to be specified in the notice and until a chairman is elected by the members present, the Registrar shall act as chairman of the meeting, but he shall not be entitled to vote.

Chairman

- (3) The Committee of Election shall elect from among its members a chairman who shall hold office during the pleasure of the Committee and who shall preside at all meetings of the Committee at which he is present.

Acting
chairman

- (4) In the absence of the chairman of the Committee of Election, the members present shall elect from among their number an acting chairman who shall preside at the meeting.

Secretary

- (5) The Committee of Election shall elect from among its members a secretary who shall hold office during the pleasure of the Committee and it shall be the duty of the secretary to keep a record of the proceedings of the Committee and to perform such other duties as may from time to time be assigned to him by the Committee.

Meetings

- (6) The Committee of Election shall meet at such times and places and on such notice as may be fixed by it by regulation, but if at any time there is no such regulation in force a meeting may be held subject to the following conditions:

(a) The meeting shall be held at the University.

(b) Notice in writing of the time and place of the meeting shall be sent by registered mail to each member of the Committee of Election at his address as it appears in the Election

Register as defined in section 85 at least fourteen days before the day on which the meeting is to be held setting out in a general way the business to be transacted at the meeting.

- (c) Notice as aforesaid shall be given by the secretary on the written instructions of the chairman of the Committee of Election, and if there is no chairman in office the notice shall be given by the secretary on the written instructions of any two members of the Committee of Election, and if there is no secretary in office the notice shall be given by the Registrar on the written instructions of the chairman or, if there is no chairman in office, on the written instructions of any two members of the Committee of Election.
- (7) Thirty-three members of the Committee of Election Quorum shall constitute a quorum at a meeting of the Committee.
- (8) Each member of the Committee of Election, present Voting at a meeting of the Committee, shall be entitled to one vote.
- (9) All questions at a meeting of the Committee of Election shall be decided by a majority of the votes of the members present and the chairman or acting chairman and the secretary may vote on all motions and any motion on which there is an equality of votes shall be deemed to be negatived.
- (10) Notwithstanding any vacancy in the Committee of Election and pending the filling of any such vacancy in accordance with clause c of section 46, or in the case of a vacancy in the office of President of the University of Toronto Alumni Association and pending the election of a new president of the said Association, as long as there are at least thirty-three members of the Committee of Election it shall be competent for the Committee to exercise all or any of its powers. ^{Thirty-three members may exercise powers}

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

6. This Act may be cited as *The University of Toronto* ^{Short title} *Amendment Act, 1955.*

BILL

An Act to amend The University of
Toronto Act, 1947

1st Reading

February 11th, 1955

2nd Reading

March 1st, 1955

3rd Reading

March 4th, 1955

MR. DUNLOP

No. 35

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Royal Ontario Museum Act, 1947

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The Museum Board is increased from twelve to nineteen members. Seven instead of four will be drawn from the Board of Governors of the University of Toronto and nine instead of five from outside the Board of Governors.

BILL

An Act to amend The Royal Ontario Museum Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Royal Ontario Museum Act, 1947* is ^{1947,} repealed and the following substituted therefor: ^{c. 96, s. 3,} ^{re-enacted}

- 3.—(1) There shall be a board of directors of The ^{Museum} Royal Ontario Museum to be known as the ^{Board} Museum Board which shall be composed of nineteen members.
- (2) The Chancellor of the University of Toronto, the ^{Ex officio} President of the University of Toronto and the ^{members} Chairman of the Board of Governors shall be *ex officio* members of the Museum Board.
- (3) Seven members of the Museum Board shall be ^{Appointed} appointed by the Board of Governors and shall be ^{members} members of the Board of Governors.
- (4) Nine members of the Museum Board shall be ap- ^{Idem} pointed by the Board of Governors but shall not be members of the Board of Governors, and
 - (a) one of such nine members shall be appointed on the nomination of the Principal of Queen's University; and
 - (b) one of such nine members shall be appointed on the nomination of the President of the University of Western Ontario.
- (5) The members of the Museum Board other than the ^{Tenure of} *ex officio* members shall hold office during the plea- ^{office} sure of the Board of Governors.
- (6) Notwithstanding any vacancy in the Museum Board, ^{Minimum} as long as there are at least eleven members, it shall ^{membership} be competent for the Museum Board to exercise its powers.

- Quorum (7) Seven members of the Museum Board shall constitute a quorum.
- 1947, c. 96,
ss. 5, 6,
re-enacted **2.** Sections 5 and 6 of *The Royal Ontario Museum Act, 1947* are repealed and the following substituted therefor:
- Management
of Museum **5.** The Royal Ontario Museum shall be carried on and managed by the Museum Board in accordance with this Act and any by-laws that may be enacted from time to time by the Board of Governors relating to the carrying on and management of The Royal Ontario Museum.
- Rules and
regulations **6.** The Museum Board may make such rules and regulations as it may deem necessary that are not inconsistent with any by-law made under section 5.
- Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Royal Ontario Museum Amendment Act, 1955*.

SECTION 2. As the assets and undertakings of the Museum are vested in the Governors of the University, it is considered that the by-laws relating to the administration of the Museum's affairs should be made by the Governors. Subsidiary rules and regulations can then be made by the Museum Board. Under the present Act all such by-laws, rules and regulations are made by the Museum Board, subject to the approval of the Governors of the University.

BILL
An Act to amend The Royal Ontario
Museum Act, 1947

1st Reading

February 11th, 1955

2nd Reading

3rd Reading

MR. DUNLOP

No. 35

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Royal Ontario Museum Act, 1947

MR. DUNLOP

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 35

1955

BILL

An Act to amend The Royal Ontario Museum Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Royal Ontario Museum Act, 1947* is 1947,
repealed and the following substituted therefor: c. 96, s. 3,
re-enacted

- 3.—(1) There shall be a board of directors of The Museum Board which shall be composed of nineteen members.
- (2) The Chancellor of the University of Toronto, the President of the University of Toronto and the Chairman of the Board of Governors shall be *ex officio* members of the Museum Board.
- (3) Seven members of the Museum Board shall be appointed by the Board of Governors and shall be *Appointed members* members of the Board of Governors.
- (4) Nine members of the Museum Board shall be appointed by the Board of Governors but shall not be members of the Board of Governors, and
 - (a) one of such nine members shall be appointed on the nomination of the Principal of Queen's University; and
 - (b) one of such nine members shall be appointed on the nomination of the President of the University of Western Ontario.
- (5) The members of the Museum Board other than the *ex officio* members shall hold office during the pleasure of the Board of Governors. *Tenure of office*
- (6) Notwithstanding any vacancy in the Museum Board, as long as there are at least eleven members, it shall be competent for the Museum Board to exercise its powers. *Minimum membership*

Quorum (7) Seven members of the Museum Board shall constitute a quorum.

1947, c. 96,
ss. 5, 6,
re-enacted 2. Sections 5 and 6 of *The Royal Ontario Museum Act, 1947* are repealed and the following substituted therefor:

Management
of Museum 5. The Royal Ontario Museum shall be carried on and managed by the Museum Board in accordance with this Act and any by-laws that may be enacted from time to time by the Board of Governors relating to the carrying on and management of The Royal Ontario Museum.

Rules and
regulations 6. The Museum Board may make such rules and regulations as it may deem necessary that are not inconsistent with any by-law made under section 5.

Commence-
ment 3. This Act comes into force on the day it receives Royal Assent.

Short title 4. This Act may be cited as *The Royal Ontario Museum Amendment Act, 1955*.

BILL

An Act to amend The Royal Ontario
Museum Act, 1947

1st Reading

February 11th, 1955

2nd Reading

March 1st, 1955

3rd Reading

March 4th, 1955

MR. DUNLOP

No. 36

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Jurors Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. In 1879 provision was made to reduce the number of jurors on grand jury panels from 24 to 15. In 1892 the number was reduced to 13. Subject to proclamation of this section, the number is now reduced to 7.

SECTION 2. Complementary to section 1 of this bill.

BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 43 of *The Jurors Act* is amended Rev. Stat., c. 191, s. 43, subs. 2, amended by striking out the figures "13" in the second line and inserting in lieu thereof the word "seven", so that the subsection shall read as follows:

(2) The precepts for the return of grand jurors shall Number of grand jurors command the return, and the panel shall consist of seven grand jurors.

2. Section 68 of *The Jurors Act* is amended by striking out Rev. Stat., c. 191, s. 68, amended the word "thirteen" in the first line and inserting in lieu thereof the word "seven" and by striking out the figures "13" in the eighth line and inserting in lieu thereof the word "seven", so that the section shall read as follows:

68. Where there do not appear as many as seven of the where sufficient grand jurors do not appear grand jurors summoned upon a panel returned upon any precept to any court of criminal jurisdiction, the court, upon the request of the Attorney-General, or of counsel for the Crown, or of the Crown attorney, may command the sheriff to name and appoint so many persons then present or who can be found, whether on the panel of petit jurors or not, as will make up a grand inquest of seven, and the sheriff shall return such persons to serve on such grand inquest, and shall add their names to the panel returned upon such precept, and the court shall proceed with those grand jurors who were before empanelled, together with the talesmen so newly added, as if all such jurors had been originally returned upon such precept.

Rev. Stat.,
c. 191, s. 70,
subs. 1,
amended

3. Subsection 1 of section 70 of *The Jurors Act* is amended by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six" and by striking out the figures "12" where they occur in the eighth and eleventh lines, respectively, and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

How the
clerk is
to proceed
to draw
names

- (1) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the box or urn to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the box or urn to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

Rev. Stat.,
c. 191, s. 71,
amended

4. Section 71 of *The Jurors Act* is amended by striking out the figures "12" in the fourth line and inserting in lieu thereof the word "six", so that the section shall read as follows:

If another
jury is
required
before the
last drawn
have brought
in their
verdict

71. If an issue is brought on to be tried, or damages are to be assessed, at any such sittings before the jury in any other cause have brought in their verdict, or been discharged, the court may order six of the residue of the cards or papers to be drawn for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Rev. Stat.,
c. 191, s. 76,
amended

5. Section 76 of *The Jurors Act* is amended by striking out the word "four" in the third line and inserting in lieu thereof the word "two" and by striking out the word "King" in the fourth line and inserting in lieu thereof the word "Crown", so that the section shall read as follows:

Peremptory
challenges
in civil
cases

76. In any cause, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any two of the jurors drawn to serve on the trial, and such right of challenge shall extend to the Crown, when a party.

Rev. Stat.,
c. 191, s. 112,
repealed

6. Section 112 of *The Jurors Act* is repealed.

SECTIONS 3 and 4. These amendments effect a reduction in the number of jurors on a petit jury in civil actions from 12 to 6.

SECTION 5. Complementary to sections 3 and 4.

SECTION 6. Section 112 requires the posting up in court houses, etc., of printed copies of section 180 of the *Criminal Code*. It deals with the obstruction of justice.

The requirement serves no real purpose and is therefore repealed.

SECTIONS 7 and 8. Complementary to section 1 of this bill.

7. Schedule B of *The Jurors Act* is amended by striking out the word "thirteen" where it occurs in the fourth line of item 3 and in the fourth line of item 6, respectively, and inserting in lieu thereof the word "seven". Rev. Stat.,
c. 191,
Sched. B,
amended

8. Form 1 of Schedule D to *The Jurors Act* is amended by striking out the word "thirteen" in the twelfth line and inserting in lieu thereof the word "seven". Rev. Stat.,
c. 191,
Sched. D,
amended

9.—(1) This Act, except sections 1, 2, 7 and 8, comes into force on the 1st day of January, 1956. Commence-
ment

(2) Sections 1, 2, 7 and 8 come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Idem

10. This Act may be cited as *The Jurors Amendment Act*, 1955. Short title

BILL

An Act to amend The Jurors Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 36

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Jurors Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

General

SECTIONS 1 to 7 of the bill bring the procedure for the selection of jurors under *The Jurors Act* into conformity with the changed municipal organization of the County of York resulting from the establishment of The Municipality of Metropolitan Toronto. In future the jurors in The Municipality of Metropolitan Toronto will be selected on a metropolitan-wide basis thereby avoiding the necessity of the holding by local selectors of 13 separate sittings. It will also ensure a better selection of jurors.

SECTION 1. For the purposes of *The Jurors Act* each area municipality in Metropolitan Toronto is excluded from the meaning of "local municipality".


SECTION 2. See section 3 of the Bill.

SECTION 3. The new section 6a takes the place of the present subsection 3 of section 6. This amendment is necessary because the terminology used with respect to officials of municipalities in the present section 6 is not applicable to the officials of Metropolitan Toronto.

BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 1. Section 1 of *The Jurors Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 191, s. 1,
amended

(cc) "local municipality" includes The Municipality of Metropolitan Toronto but does not include an area municipality as defined by *The Municipality of Metropolitan Toronto Act, 1953*, c. 73.

2. Subsection 3 of section 6 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1953*, is repealed.

Rev. Stat.,
c. 191, s. 6,
subs. 3
(1953,
c. 51, s. 1),
repealed

3. *The Jurors Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 191,
amended

6a.—(1) Notwithstanding section 6, in the county of York the judge of the county court, the senior of the junior judges thereof, the chairman of the council of The Municipality of Metropolitan Toronto, the warden, the treasurer of the county, the treasurer of The Municipality of Metropolitan Toronto, and the sheriff, any three of whom shall constitute a quorum, shall be *ex officio* the selectors of jurors from the juror's rolls within the county and shall be known as the county selectors.

York county
local
selectors

(2) The judge of the county court or any junior judge designated by the judge except the senior junior judge, the chairman of the council of The Municipality of Metropolitan Toronto or a member of the Metropolitan Council designated by the chairman, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of The Municipality of Metropolitan Toronto or the deputy treasurer of

Selectors
for Metro-
politan
Toronto

The Municipality of Metropolitan Toronto if designated by the treasurer, shall attend when the selection is being made for The Municipality of Metropolitan Toronto.

Selectors
for York
county other
than Metro-
politan
Toronto

- (3) The senior of the junior judges of the county court or any other junior judge designated by that judge, the warden or a member of the county council designated by the warden, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of the county or the deputy treasurer of the county if designated by the treasurer, shall attend when the selection is being made from the local municipalities other than The Municipality of Metropolitan Toronto.

Chairman of
the selectors
for Metro-
politan
Toronto

- (4) The senior judge or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Chairman of
selectors
for county
other than
Metropolitan
Toronto

- (5) The senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for the county other than The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Casting
vote

- (6) In case of an equality of votes, the chairman of the meeting shall have a double or casting vote.

Rev. Stat.,
c. 191, s. 11,
amended

4. Section 11 of *The Jurors Act* is amended by adding thereto the following subsection:

Voters' list
for Metro-
politan
Toronto

- (2) For the purposes of subsection 1, the voters' list for The Municipality of Metropolitan Toronto shall be the voters' lists of each of the area municipalities within The Municipality of Metropolitan Toronto.

Rev. Stat.,
c. 191, s. 15,
amended

5.—(1) Section 15 of *The Jurors Act* is amended by adding at the commencement thereof the words "Subject to subsection 2", so that subsection 1 of the section shall read as follows:

Local
selectors

- (1) Subject to subsection 2, the head of the council, the clerk, the assessment commissioner and the assessors of every local municipality, any two of whom shall be a quorum, shall be *ex officio* the local selectors of jurors for the municipality.

SECTION 4. Self-explanatory.

SECTION 5. This amendment is complementary to section 3 of the Bill.

SECTION 6. Self-explanatory.

SECTION 7. Complementary to sections 4 and 6 of the Bill.

SECTION 8—Subsection 1. In 1879 provision was made to reduce the number of jurors on grand jury panels from 24 to 15. In 1892 the number was reduced to 13. Subject to proclamation of this section, the number is now reduced to 7.

Subsection 2. Self-explanatory.

(2) The said section 15 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 15,
amended

- (2) The local selectors for The Municipality of Metropolitan Toronto shall consist of the chairman of the Metropolitan Council or a member thereof designated by him, the clerk and deputy clerk of the Metropolitan Corporation, the assessment commissioner and deputy assessment commissioner or commissioners of the Metropolitan Corporation and such assessors thereof as may be designated by the assessment commissioner and any two of the local selectors shall constitute a quorum. Local
selectors
for Metro-
politan
Toronto

6. Section 16 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 16,
amended

- (5) For the purposes of this section, the assessment roll of The Municipality of Metropolitan Toronto shall be the assessment rolls of each of the area municipalities in The Municipality of Metropolitan Toronto. Assessment
rolls for
Metropolitan
Toronto

7. Section 17 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 17,
amended

- (7) Subsection 2 of section 11 and subsection 5 of section 16 apply *mutatis mutandis* to this section. Application
of sec. 11,
subs. 2, s. 16,
subs. 5

8.—(1) Subsection 2 of section 43 of *The Jurors Act* is amended by striking out the figures "13" in the second line and inserting in lieu thereof the word "seven", so that the subsection shall read as follows: Rev. Stat.,
c. 191, s. 43,
subs. 2,
amended

- (2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors. Number of
grand jurors

(2) The said section 43 is amended by adding thereto the following subsection: Rev. Stat.,
c. 191, s. 43,
amended

- (3a) Where, after the issue of a precept for the return of grand jurors, the clerk of the peace informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may, Cancellat-
ion of
precept for
grand jury

(a) cancel the precept; or

(b) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 5 of section 64.

Rev. Stat.,
c. 191, s. 47,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 47 of *The Jurors Act* is repealed and the following substituted therefor:

Release of
jurors
by judge

(1) Any number of jurors summoned for a jury sittings of the Supreme Court or of the county court may, until re-summoned by direction of a judge, be released from service or further service, as the case may be,

(a) at any time before the sittings by a judge authorized to issue a precept for the sittings of the court; or

(b) at any time during the sittings by the judge presiding at the sittings.

Selection
of jurors
to be
released
before
sittings

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released.

Rev. Stat.,
c. 191, s. 47,
subs. 2,
amended

(2) Subsection 2 of the said section 47 is amended by inserting after the word "service" in the second line the words "during the sittings", so that the subsection shall read as follows:

Selection
of jurors
to be
released
during the
sittings

(2) Where any number of jurors are to be released from further service during the sittings under this section, the judge shall, in the presence of the jury panel and in open court, so advise the clerk of the court, who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the jurors whose names appear on the cards shall thereupon be released by the judge.

Rev. Stat.,
c. 191, s. 63,
subs. 2,
repealed

10. Subsection 2 of section 63 of *The Jurors Act* is repealed.

Rev. Stat.,
c. 191, s. 68,
amended

11. Section 68 of *The Jurors Act* is amended by striking out the word "thirteen" in the first line and inserting in lieu thereof the word "seven" and by striking out the figures "13" in the

SECTION 9—Subsection 1. The present subsection 1 of section 47 provides for the release of jurors, by the presiding judge, during the sittings of the court. The new subsection enlarges this to permit a judge to direct the release of jurors before as well as during the sittings. The new subsection 1a of section 47 provides the method of choosing the jurors to be released before the sittings.

Subsection 2. This amendment clarifies the present subsection 2 of section 47. It is complementary to subsection 1 of section 9 of the bill.

SECTION 10. The present subsection 2 of section 63 permits examination of the jury book or panel by a party to an action to determine whether or not a special jury should be struck for the trial of the action. As the provisions relating to special juries were repealed in 1952, this subsection is no longer necessary and is therefor repealed.

SECTION 11. Complementary to section 8 (1) of this bill.

SECTIONS 12 and 13. These amendments effect a reduction in the number of jurors on a petit jury in civil actions from 12 to 6.

eighth line and inserting in lieu thereof the word "seven", so that the section shall read as follows:

68. Where there do not appear as many as seven of the grand jurors summoned upon a panel returned upon any precept to any court of criminal jurisdiction, the court, upon the request of the Attorney-General, or of counsel for the Crown, or of the Crown attorney, may command the sheriff to name and appoint so many persons then present or who can be found, whether on the panel of petit jurors or not, as will make up a grand inquest of seven, and the sheriff shall return such persons to serve on such grand inquest, and shall add their names to the panel returned upon such precept, and the court shall proceed with those grand jurors who were before empanelled, together with the talesmen so newly added, as if all such jurors had been originally returned upon such precept.

Where
sufficient
grand jurors
do not
appear

12. Subsection 1 of section 70 of *The Jurors Act* is amended by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six" and by striking out the figures "12" where they occur in the eighth and eleventh lines respectively and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

Rev. Stat.,
c. 191, s. 70,
subs. 1,
amended

- (1) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the box or urn to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the box or urn to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

How the
clerk is
to proceed
to draw
names

13. Section 71 of *The Jurors Act* is amended by striking out the figures "12" in the fourth line and inserting in lieu thereof the word "six", so that the section shall read as follows:

Rev. Stat.,
c. 191, s. 71,
amended

71. If an issue is brought on to be tried, or damages are to be assessed, at any such sittings before the jury in any other cause have brought in their verdict, or been

If another
jury is
required
before the
last drawn
have brought
in their
verdict

discharged, the court may order six of the residue of the cards or papers to be drawn for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Rev. Stat.,
c. 191,
Sched. B,
amended

14. Schedule B to *The Jurors Act* is amended by striking out the word "thirteen" where it occurs in the fourth line of item 3 and in the fourth line of item 6 respectively and inserting in lieu thereof the word "seven".

Rev. Stat.,
c. 191,
Sched. D,
amended

15. Form 1 of Schedule D to *The Jurors Act* is amended by striking out the word "thirteen" in the twelfth line and inserting in lieu thereof the word "seven".

Commence-
ment

16.—(1) Subsection 1 of section 8 and sections 11, 14 and 15 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Idem

(2) Sections 12 and 13 come into force on the 1st day of January, 1956.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1955*.

SECTIONS 14 and 15. Complementary to section 8 (1) of this bill.

BILL

An Act to amend The Jurors Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

*(Reprinted as amended by the
Committee on Legal Bills)*

No. 36

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Jurors Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Jurors Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Jurors Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 191, s. 1,
amended

(cc) "local municipality" includes The Municipality of Metropolitan Toronto but does not include an area municipality as defined by *The Municipality of Metropolitan Toronto Act, 1953*. 1953, c. 73

2. Subsection 3 of section 6 of *The Jurors Act*, as re-enacted by section 1 of *The Jurors Amendment Act, 1953*, is repealed. Rev. Stat.,
c. 191, s. 6,
subs. 3
(1953,
c. 51, s. 1),
repealed

3. *The Jurors Act* is amended by adding thereto the following section: Rev. Stat.,
c. 191,
amended

6a.—(1) Notwithstanding section 6, in the county of York the judge of the county court, the senior of the junior judges thereof, the chairman of the council of The Municipality of Metropolitan Toronto, the warden, the treasurer of the county, the treasurer of The Municipality of Metropolitan Toronto, and the sheriff, any three of whom shall constitute a quorum, shall be *ex officio* the selectors of jurors from the juror's rolls within the county and shall be known as the county selectors. York county
local
selectors

(2) The judge of the county court or any junior judge designated by the judge except the senior junior judge, the chairman of the council of The Municipality of Metropolitan Toronto or a member of the Metropolitan Council designated by the chairman, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of The Municipality of Metropolitan Toronto or the deputy treasurer of Selectors
for Metro-
politan
Toronto

The Municipality of Metropolitan Toronto if designated by the treasurer, shall attend when the selection is being made for The Municipality of Metropolitan Toronto.

Selectors
for York
county other
than Metro-
politan
Toronto

- (3) The senior of the junior judges of the county court or any other junior judge designated by that judge, the warden or a member of the county council designated by the warden, the sheriff or a deputy sheriff designated by the sheriff, and the treasurer of the county or the deputy treasurer of the county if designated by the treasurer, shall attend when the selection is being made from the local municipalities other than The Municipality of Metropolitan Toronto.

Chairman of
the selectors
for Metro-
politan
Toronto

- (4) The senior judge or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Chairman of
selectors
for county
other than
Metropolitan
Toronto

- (5) The senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the section of county selectors for the county other than The Municipality of Metropolitan Toronto, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Casting
vote

- (6) In case of an equality of votes, the chairman of the meeting shall have a double or casting vote.

Rev. Stat.,
c. 191, s. 11,
amended

4. Section 11 of *The Jurors Act* is amended by adding thereto the following subsection:

Voters' list
for Metro-
politan
Toronto

- (2) For the purposes of subsection 1, the voters' list for The Municipality of Metropolitan Toronto shall be the voters' lists of each of the area municipalities within The Municipality of Metropolitan Toronto.

Rev. Stat.,
c. 191, s. 15,
amended

5.—(1) Section 15 of *The Jurors Act* is amended by adding at the commencement thereof the words "Subject to subsection 2", so that subsection 1 of the section shall read as follows:

Local
selectors

- (1) Subject to subsection 2, the head of the council, the clerk, the assessment commissioner and the assessors of every local municipality, any two of whom shall be a quorum, shall be *ex officio* the local selectors of jurors for the municipality.

(2) The said section 15 is further amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 15, amended

- (2) The local selectors for The Municipality of Metropolitan Toronto shall consist of the chairman of the Metropolitan Council or a member thereof designated by him, the clerk and deputy clerk of the Metropolitan Corporation, the assessment commissioner and deputy assessment commissioner or commissioners of the Metropolitan Corporation and such assessors thereof as may be designated by the assessment commissioner and any two of the local selectors shall constitute a quorum. Local selectors for Metropolitan Toronto

6. Section 16 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 16, amended

- (5) For the purposes of this section, the assessment roll of The Municipality of Metropolitan Toronto shall be the assessment rolls of each of the area municipalities in The Municipality of Metropolitan Toronto. Assessment rolls for Metropolitan Toronto

7. Section 17 of *The Jurors Act* is amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 17, amended

- (7) Subsection 2 of section 11 and subsection 5 of section 16 apply *mutatis mutandis* to this section. Application of sec. 11, subs. 2, s. 16, subs. 5

8.—(1) Subsection 2 of section 43 of *The Jurors Act* is amended by striking out the figures "13" in the second line and inserting in lieu thereof the word "seven", so that the subsection shall read as follows: Rev. Stat., c. 191, s. 43, subs. 2, amended

- (2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors. Number of grand jurors

(2) The said section 43 is amended by adding thereto the following subsection: Rev. Stat., c. 191, s. 43, amended

- (3a) Where, after the issue of a precept for the return of grand jurors, the clerk of the peace informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may, Cancellation of precept for grand jury

(a) cancel the precept; or

- (b) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 5 of section 64.

Rev. Stat.,
c. 191, s. 47,
subs. 1,
re-enacted

9.—(1) Subsection 1 of section 47 of *The Jurors Act* is repealed and the following substituted therefor:

Release of
jurors
by judge

(1) Any number of jurors summoned for a jury sittings of the Supreme Court or of the county court may, until re-summoned by direction of a judge, be released from service or further service, as the case may be,

(a) at any time before the sittings by a judge authorized to issue a precept for the sittings of the court; or

(b) at any time during the sittings by the judge presiding at the sittings.

Selection
of jurors
to be
released
before
sittings

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released.

Rev. Stat.,
c. 191, s. 47,
subs. 2,
amended

(2) Subsection 2 of the said section 47 is amended by inserting after the word "service" in the second line the words "during the sittings", so that the subsection shall read as follows:

Selection
of jurors
to be
released
during the
sittings

(2) Where any number of jurors are to be released from further service during the sittings under this section, the judge shall, in the presence of the jury panel and in open court, so advise the clerk of the court, who shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the jurors whose names appear on the cards shall thereupon be released by the judge.

Rev. Stat.,
c. 191, s. 63,
subs. 2,
repealed

10. Subsection 2 of section 63 of *The Jurors Act* is repealed.

Rev. Stat.,
c. 191, s. 68,
amended

11. Section 68 of *The Jurors Act* is amended by striking out the word "thirteen" in the first line and inserting in lieu thereof the word "seven" and by striking out the figures "13" in the

eighth line and inserting in lieu thereof the word "seven", so that the section shall read as follows:

68. Where there do not appear as many as seven of the grand jurors summoned upon a panel returned upon any precept to any court of criminal jurisdiction, the court, upon the request of the Attorney-General, or of counsel for the Crown, or of the Crown attorney, may command the sheriff to name and appoint so many persons then present or who can be found, whether on the panel of petit jurors or not, as will make up a grand inquest of seven, and the sheriff shall return such persons to serve on such grand inquest, and shall add their names to the panel returned upon such precept, and the court shall proceed with those grand jurors who were before empanelled, together with the talesmen so newly added, as if all such jurors had been originally returned upon such precept.

Where
sufficient
grand jurors
do not
appear

12. Subsection 1 of section 70 of *The Jurors Act* is amended by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six" and by striking out the figures "12" where they occur in the eighth and eleventh lines respectively and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

Rev. Stat.,
c. 191, s. 70,
subs. 1,
amended

- (1) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the box or urn to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the box or urn to be shaken after the drawing of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

How the
clerk is
to proceed
to draw
names

13. Section 71 of *The Jurors Act* is amended by striking out the figures "12" in the fourth line and inserting in lieu thereof the word "six", so that the section shall read as follows:

Rev. Stat.,
c. 191, s. 71,
amended

71. If an issue is brought on to be tried, or damages are to be assessed, at any such sittings before the jury in any other cause have brought in their verdict, or been

If another
jury is
required
before the
last drawn
have brought
in their
verdict

discharged, the court may order six of the residue of the cards or papers to be drawn for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Rev. Stat.,
c. 191,
Sched. B,
amended

14. Schedule B to *The Jurors Act* is amended by striking out the word "thirteen" where it occurs in the fourth line of item 3 and in the fourth line of item 6 respectively and inserting in lieu thereof the word "seven".

Rev. Stat.,
c. 191,
Sched. D,
amended

15. Form 1 of Schedule D to *The Jurors Act* is amended by striking out the word "thirteen" in the twelfth line and inserting in lieu thereof the word "seven".

Commence-
ment

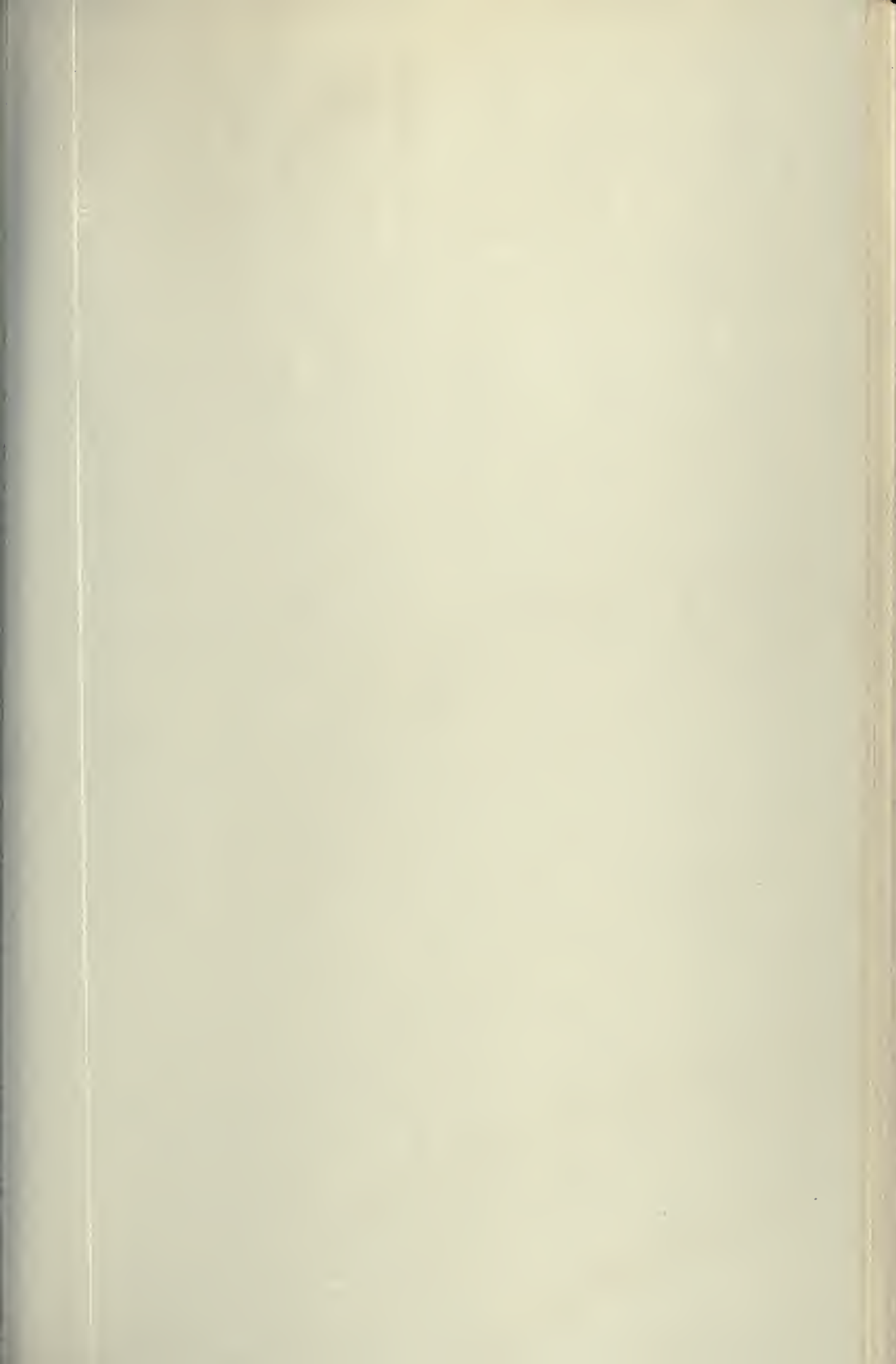
16.—(1) Subsection 1 of section 8 and sections 11, 14 and 15 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

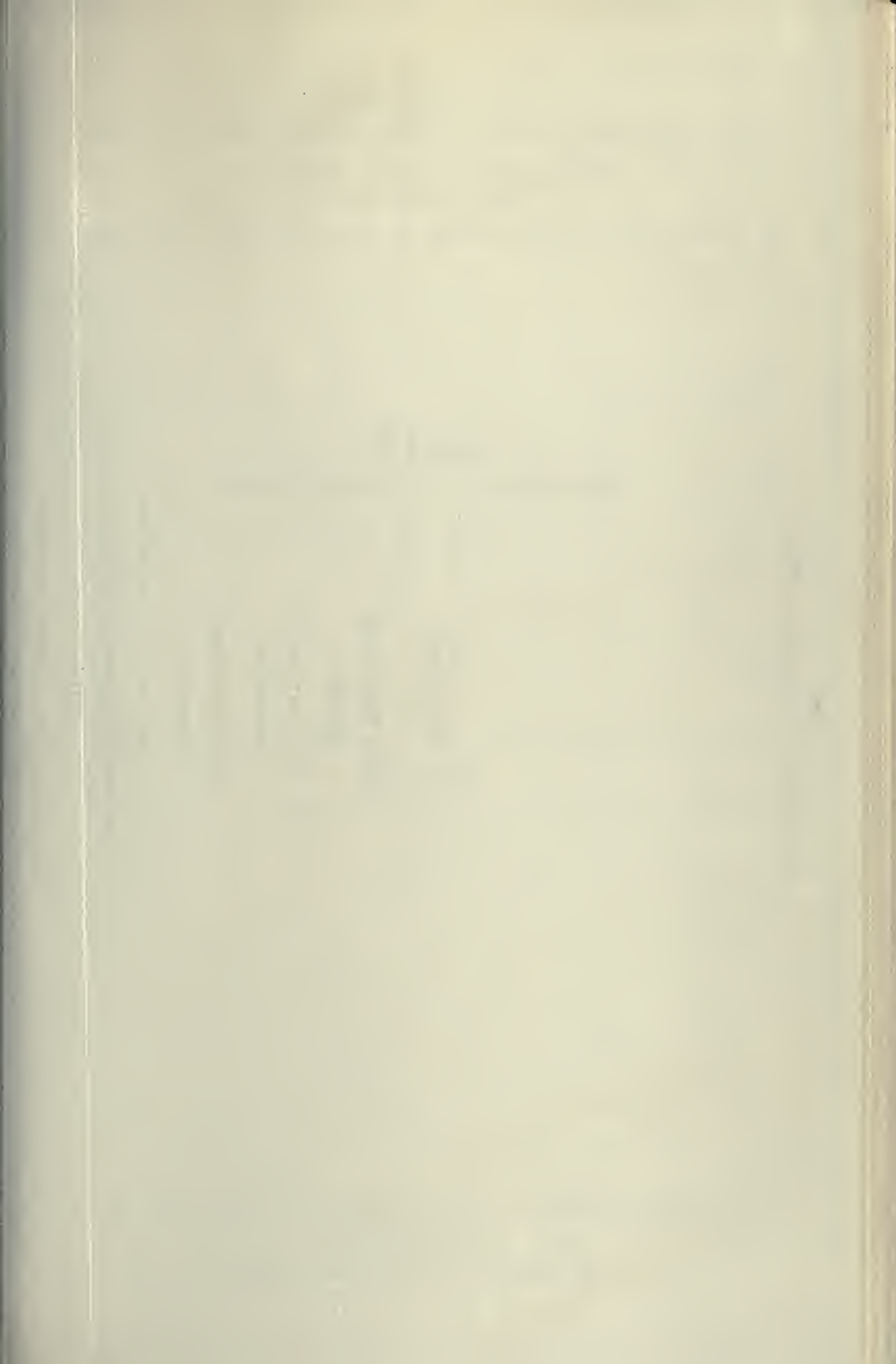
Idem

(2) Sections 12 and 13 come into force on the 1st day of January, 1956.

Short title

17. This Act may be cited as *The Jurors Amendment Act, 1955*.





BILL

An Act to amend The Jurors Act

1st Reading

February 14th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. PORTER

No. 37

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Judicature Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

These amendments are complementary to the amendments being made to *The Jurors Act* which have the effect of reducing the number of jurors in civil cases from 12 to 6. See Bill No. 36.

No. 37

1955

BILL

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Judicature Act* is amended by striking out the word "ten" where it occurs in the first and second lines respectively and inserting in lieu thereof the word "five" and by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

Rev. Stat.,
c. 190, s. 60,
subs. 1,
amended

- (1) It shall be sufficient if five of the jurors agree, and a verdict rendered or question answered by five jurors shall have the same effect as a verdict or answer given by six jurors.

Agreement
of 5 jurors
to be sufficient

(2) Subsection 3 of the said section 60 is amended by striking out the word "ten" in the second line and inserting in lieu thereof the word "five", so that the subsection shall read as follows:

Rev. Stat.,
c. 190, s. 60,
subs. 3,
amended

- (3) Where more questions than one are submitted, it shall not be necessary that the same five jurors shall agree to every answer.

Not necessary for
same 5 jurors to
agree to
all answers

2. Section 61 of *The Judicature Act* is amended by striking out the word "eleven" in the eighth line and inserting in lieu thereof the word "five" and by striking out the words "and in such case ten jurors may give the verdict or answer the questions submitted to the jury" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and in that case the verdict or answer to a question given by the jury shall be unanimous", so that the section shall read as follows:

Rev. Stat.,
c. 190, s. 61,
amended

61. If at the trial of an action or issue or assessment of damages a juror dies or becomes incapacitated from any cause from continuing to sit or act on the jury, or if it is discovered that a juror has an interest in the result of the proceeding, or is a relative within

Death or
illness of
jurors or
discovery
of interest
during trial

the degree of first cousin of any of the parties, the judge may discharge such juror and may direct that the trial or assessment shall proceed on such terms as he deems just with five jurors, and in that case the verdict or answer to a question given by the jury shall be unanimous.

Commence-
ment

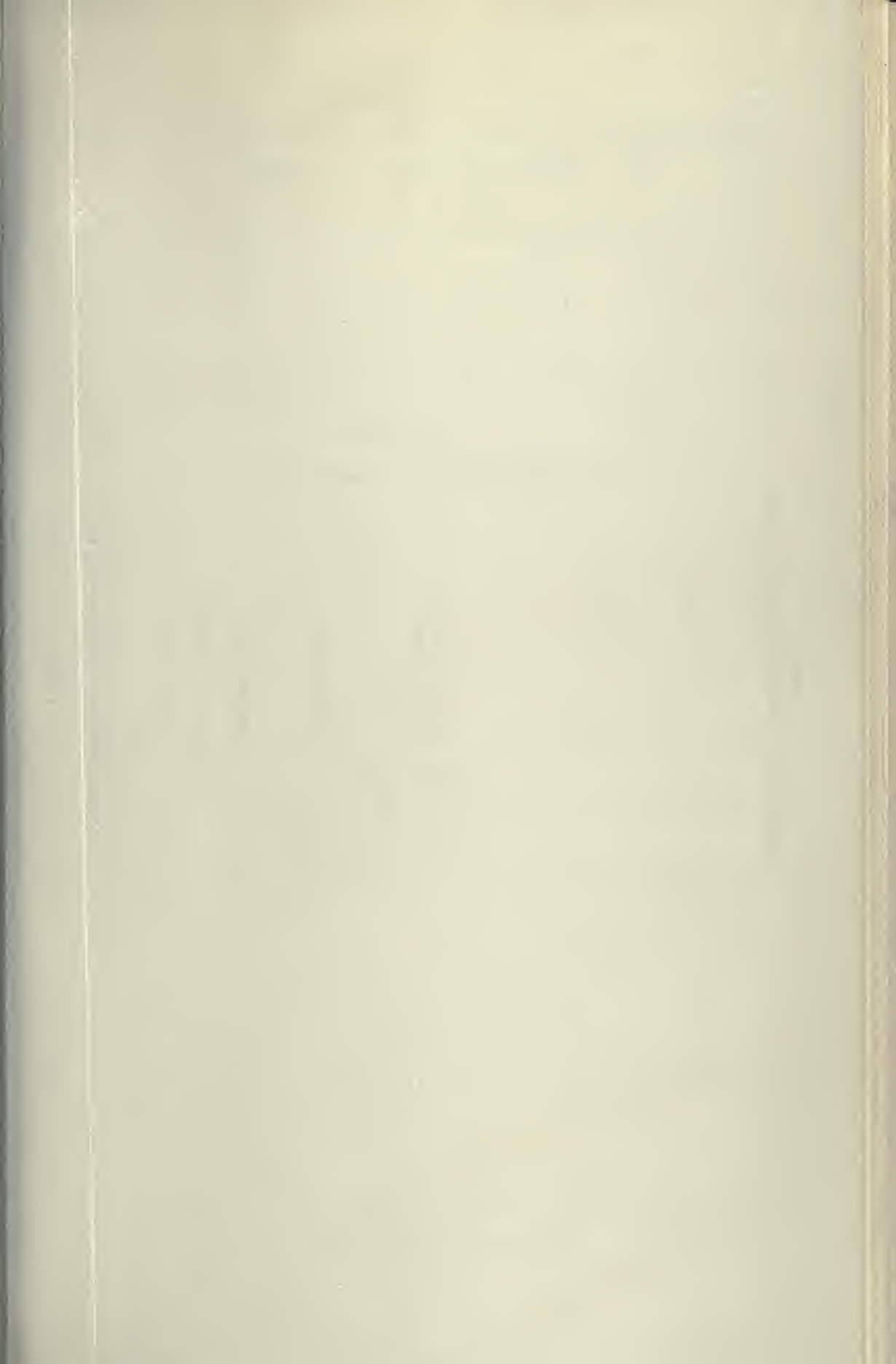
3. This Act comes into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Judicature Amendment Act, 1955*.







BILL

An Act to amend The Judicature Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 37

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Judicature Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Judicature Act* Rev. Stat., c. 190, s. 60, subs. 1, amended is amended by striking out the word "ten" where it occurs in the first and second lines respectively and inserting in lieu thereof the word "five" and by striking out the word "twelve" in the fourth line and inserting in lieu thereof the word "six", so that the subsection shall read as follows:

(1) It shall be sufficient if five of the jurors agree, and a Agreement of 5 jurors to be sufficient verdict rendered or question answered by five jurors shall have the same effect as a verdict or answer given by six jurors.

(2) Subsection 3 of the said section 60 is amended by Rev. Stat., c. 190, s. 60, subs. 3, amended striking out the word "ten" in the second line and inserting in lieu thereof the word "five", so that the subsection shall read as follows:

(3) Where more questions than one are submitted, it Not necessary for same 5 jurors to agree to all answers shall not be necessary that the same five jurors shall agree to every answer.

2. Section 61 of *The Judicature Act* is amended by striking Rev. Stat., c. 190, s. 61, amended out the word "eleven" in the eighth line and inserting in lieu thereof the word "five" and by striking out the words "and in such case ten jurors may give the verdict or answer the questions submitted to the jury" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and in that case the verdict or answer to a question given by the jury shall be unanimous", so that the section shall read as follows:

61. If at the trial of an action or issue or assessment of Death or illness of jurors or discovery of interest during trial damages a juror dies or becomes incapacitated from any cause from continuing to sit or act on the jury, or if it is discovered that a juror has an interest in the result of the proceeding, or is a relative within

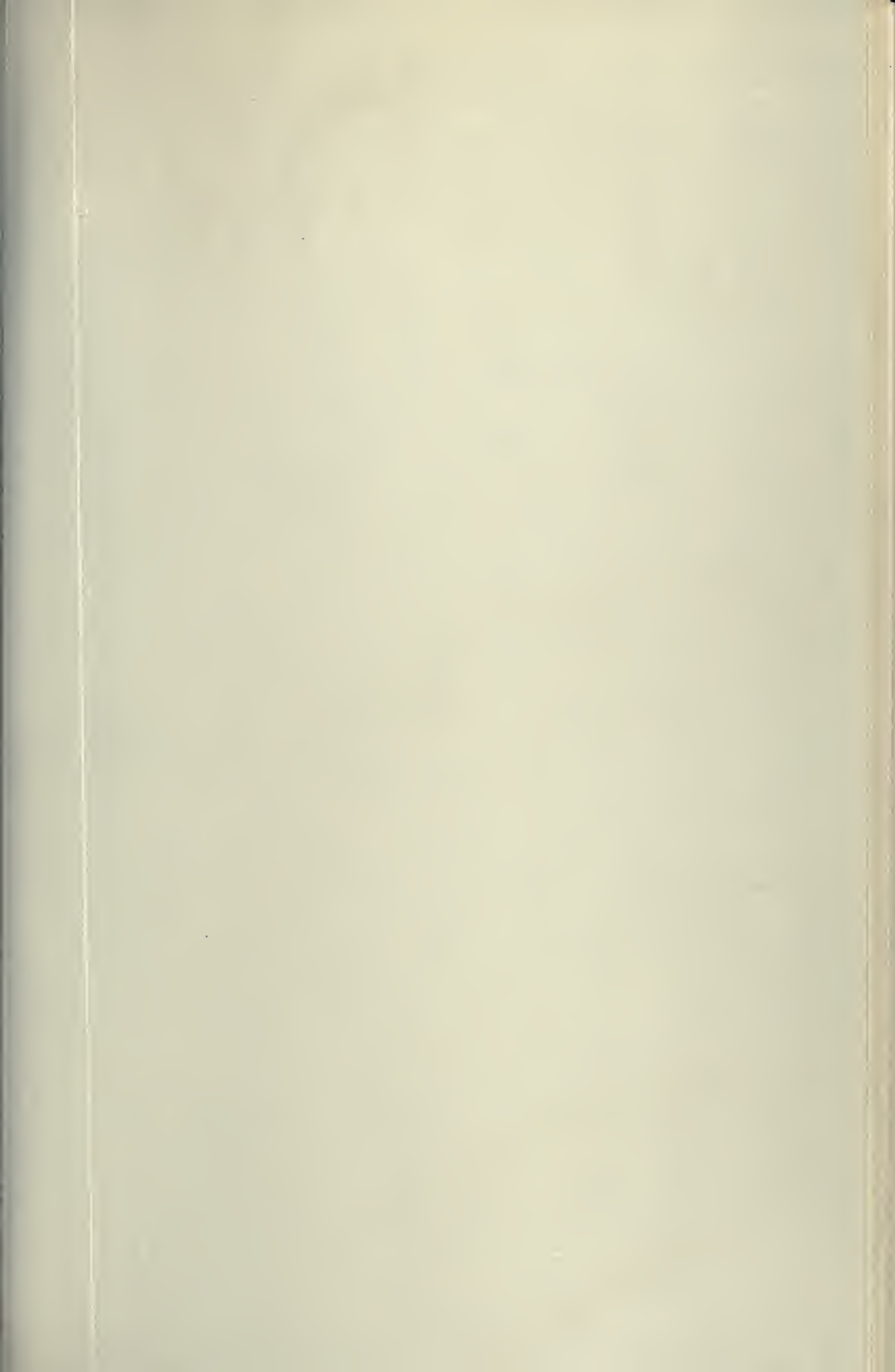
the degree of first cousin of any of the parties, the judge may discharge such juror and may direct that the trial or assessment shall proceed on such terms as he deems just with five jurors, and in that case the verdict or answer to a question given by the jury shall be unanimous.

Commence-
ment

3. This Act comes into force on the 1st day of January, 1956.

Short title

4. This Act may be cited as *The Judicature Amendment Act, 1955*.



BILL

An Act to amend The Judicature Act

1st Reading

February 14th, 1955

2nd Reading

March 25th, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 38

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Deserted Wives' and
Children's Maintenance Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This section is new. It is designed to prevent deserting husbands from protracting court proceedings in order to avoid their immediate financial responsibilities to their wives and children as found by the judge of first instance.

No. 38

1955

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Deserted Wives' and Children's Maintenance Act* is Rev. Stat., c. 102, amended amended by adding thereto the following section:

9c.—(1) No appeal or other proceeding by way of Payment of money not affected pending appeal *certiorari*, motion to quash, prohibition, mandamus or otherwise shall suspend the operation of any order for the payment of money made under this Act until the appeal or other proceeding is disposed of, unless an interim order suspending in whole or in part the operation of such order for payment is made upon application to the court in which the appeal or other proceeding is pending.

(2) If a person ordered to pay money under this Act is If default in payment occurs in default, any appeal or other proceeding taken with respect to such order may be dismissed.

2. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1955*. Short title

BILL

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 38

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to amend The Deserted Wives' and
Children's Maintenance Act**

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 38

1955

BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Deserted Wives' and Children's Maintenance Act* is Rev. Stat., amended by adding thereto the following section: c. 102, amended

9c.—(1) No appeal or other proceeding by way of *certiorari*, motion to quash, prohibition, mandamus or otherwise shall suspend the operation of any order for the payment of money made under this Act until the appeal or other proceeding is disposed of, unless an interim order suspending in whole or in part the operation of such order for payment is made upon application to the court in which the appeal or other proceeding is pending.

(2) If a person ordered to pay money under this Act is in default, any appeal or other proceeding taken with respect to such order may be dismissed. If default in payment occurs

2. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1955*. Short title

BILL

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

Mr. PORTER

No. 39

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Costs of Distress Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The subsection amended provides that a person interested in a seizure or distress may have the costs and expenses of the bailiff or other person making the distress or seizure taxed by the clerk of the division court within whose division the distress or seizure was made.

The amendment substitutes the clerk of the county or district court of the county or district in which the distress or seizure was made as the taxing officer as he is a more appropriate official to perform this function.

In any event, there may be an appeal to the county or district court judge—s. 6(5).

No. 39

1955

BILL

An Act to amend The Costs of Distress Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Costs of Distress Act* is ^{Rev. Stat., c. 73, s. 6, subs. 2, amended} amended by striking out the words "division court within whose division the same was made" in the fifth and sixth lines and inserting in lieu thereof the words "county or district court of the county or district within which the distress or seizure was made", so that the subsection shall read as follows:

(2) The person whose goods are distrained or seized, ^{Taxation of costs of distress} or the person authorizing the distress or seizure, or any other person interested, upon giving two days notice in writing, may have the costs and expenses of the bailiff or other person making the distress or seizure taxed by the clerk of the county or district court of the county or district within which the distress or seizure was made.

2. This Act may be cited as *The Costs of Distress Amendment Act, 1955*. ^{Short title}

BILL

An Act to amend The Costs of
Distress Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 39

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Costs of Distress Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 39

1955

BILL

An Act to amend The Costs of Distress Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Costs of Distress Act* is amended by striking out the words "division court within whose division the same was made" in the fifth and sixth lines and inserting in lieu thereof the words "county or district court of the county or district within which the distress or seizure was made", so that the subsection shall read as follows:

- (2) The person whose goods are distrained or seized, or the person authorizing the distress or seizure, or any other person interested, upon giving two days notice in writing, may have the costs and expenses of the bailiff or other person making the distress or seizure taxed by the clerk of the county or district court of the county or district within which the distress or seizure was made.

2. This Act may be cited as *The Costs of Distress Amendment Act, 1955*.

BILL

An Act to amend The Costs of
Distress Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 40

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Coroners Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The present Act is based on the principle that the expenses in connection with coroners' inquests are payable by the jurisdiction responsible for the administration of justice. The bill does not change this principle. The new provisions are, however, much more specific than those in the present Act.

The new provisions are designed to expedite the settlement of accounts and to minimize the paper work involved.

No. 40

1955

BILL

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat., c. 70, s. 36, re-enacted

36.—(1) Stationery, forms and postage for coroners shall be provided, in the case of a coroner appointed for a municipality, by the municipality, and in the case of a coroner appointed for a provisional judicial district, by the Province. Stationery, etc.

(2) Every county, city, separated town and provisional judicial district shall provide, Accommodation

(a) a suitable place for holding *post mortem* examinations; and

(b) a suitable place for holding inquests.

(3) If a suitable place for holding *post mortem* examinations and a suitable place for holding inquests are not provided under subsection 2, the coroner may procure such a place or places and the cost thereof, when certified by the coroner and approved by the Crown attorney, shall be paid by the treasurer of the county, city, separated town or provisional judicial district that failed to comply with subsection 2. Idem

2. Section 38 as amended by section 4 of *The Coroners Amendment Act, 1951*, section 39, section 40 as amended by section 5 of *The Coroners Amendment Act, 1951*, and section 41 of *The Coroners Act* are repealed and the following substituted therefor: Rev. Stat., c. 70, ss. 38-40, re-enacted; s. 41, repealed

38.—(1) The coroner shall render the account for his fee and allowances for holding an investigation or Coroners' accounts

inquest to the treasurer of the county in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district, to the treasurer of the district, and when the account has been audited by the county board of audit, or where the investigation or inquest was held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer of the county or provisional judicial district, as the case may be, shall pay the amount specified therein.

Crown
attorneys'
and
constables'
accounts

Rev. Stat.,
c. 5

Witnesses',
jurors',
steno-
graphers'
and inter-
preters'
accounts

Post mortem
examination
accounts

Reimburse-
ment of
counties for
coroners'
fees, etc.

- (2) The Crown attorney's account for his fee and expenses for attending an inquest and a constable's account for his fee and travelling expenses for services performed in connection with an inquest shall be rendered and paid in the manner provided in *The Administration of Justice Expenses Act*.
- (3) The coroner shall give to every witness and juror entitled to a fee and mileage allowance in connection with an inquest and to every stenographer and interpreter so entitled to a fee an order on the treasurer of the county, city or separated town in which the inquest was held, or where the inquest was held in a provisional judicial district outside a city, on the treasurer of the district, for the payment of the amount of the fee and mileage allowance, if any, specified in the order and upon presentation of the order, the treasurer, if satisfied of the correctness thereof, shall pay the amount in accordance therewith.
- (4) A legally qualified medical practitioner shall render his account for his fee for any *post mortem* examination or analysis under Schedule C to the treasurer of the county, city or separated town in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district outside a city, to the treasurer of the district, and if the amount has been approved by the coroner, and where it has been determined that an inquest is unnecessary, approved also by the Attorney-General, the Crown attorney or the supervising coroner, the treasurer of the county, city, separated town or provisional judicial district, as the case may be, shall pay the amount specified therein.
39. Coroners' fees and allowances for holding investigations and inquests paid by the treasurer of a county under subsection 1 of section 38 shall, when the

accounts therefor have been audited by the Auditor of Criminal Justice Accounts, be reimbursed to the treasurer of the county out of such moneys as are appropriated by the Legislature for the expenses of the administration of justice.

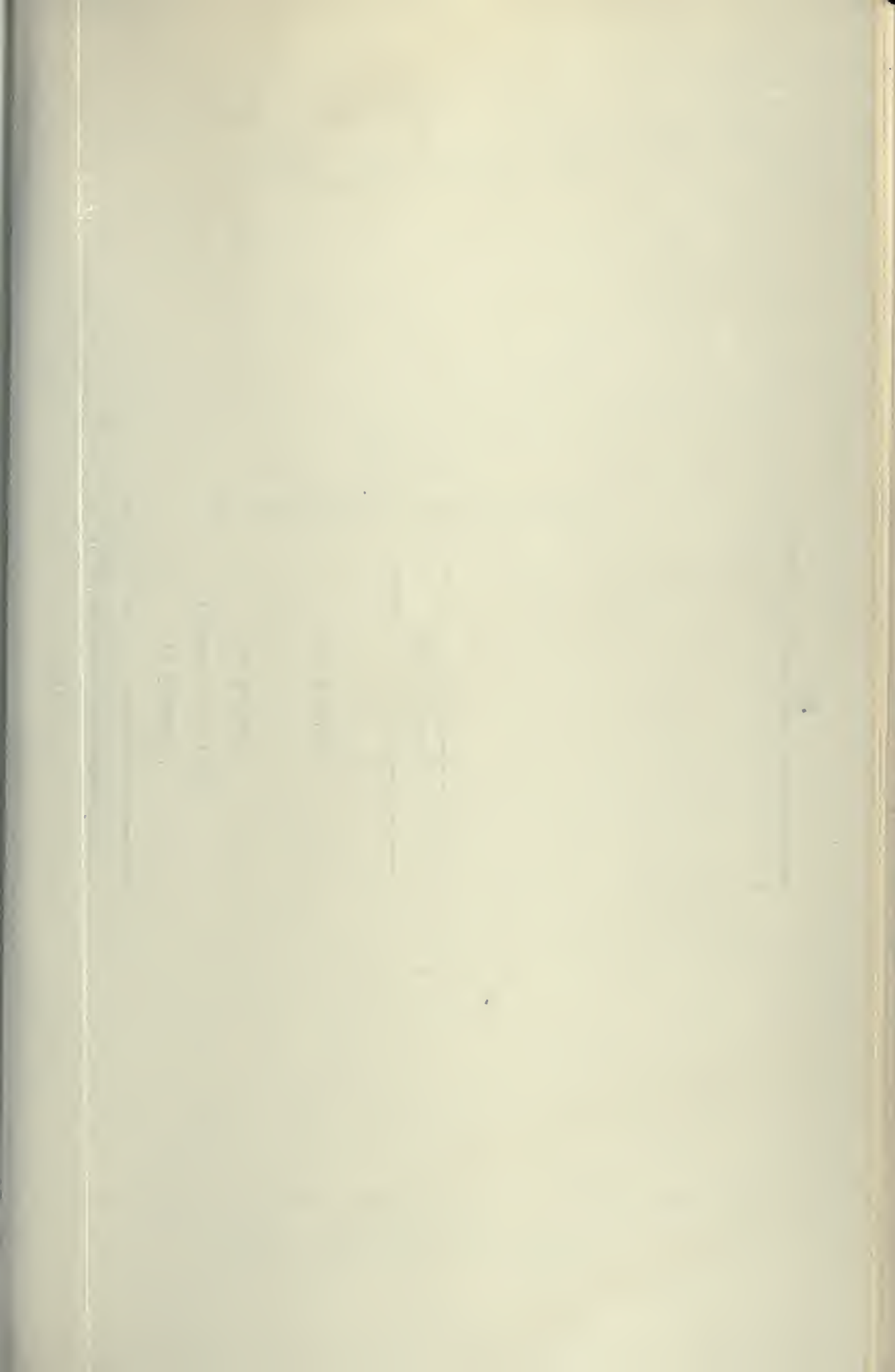
40. Where an investigation or inquest is held by a coroner and it is found that the cause of death did not arise in the county, city, separated town or provisional judicial district in which the investigation or inquest was held, the amounts of the fees and allowances that were paid in the first instance by the treasurer of such county, city, separated town or provisional judicial district shall be paid to him on the certificate of the coroner by the treasurer of the county, city, separated town or provisional judicial district in which it was found that the cause of death arose.

2. This Act may be cited as *The Coroners Amendment Act*, Short title 1955.

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BILL

An Act to amend The Coroners Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 40

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Coroners Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 40

1955

BILL

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat., c. 70, s. 36, re-enacted

36.—(1) Stationery, forms and postage for coroners shall be provided, in the case of a coroner appointed for a municipality, by the municipality, and in the case of a coroner appointed for a provisional judicial district, by the Province. Stationery, etc.

(2) Every county, city, separated town and provisional judicial district shall provide, Accommodation

(a) a suitable place for holding *post mortem* examinations; and

(b) a suitable place for holding inquests.

(3) If a suitable place for holding *post mortem* examinations and a suitable place for holding inquests are not provided under subsection 2, the coroner may procure such a place or places and the cost thereof, when certified by the coroner and approved by the Crown attorney, shall be paid by the treasurer of the county, city, separated town or provisional judicial district that failed to comply with subsection 2. Idem

2. Section 38 as amended by section 4 of *The Coroners Amendment Act, 1951*, section 39, section 40 as amended by section 5 of *The Coroners Amendment Act, 1951*, and section 41 of *The Coroners Act* are repealed and the following substituted therefor: Rev. Stat., c. 70, ss. 38-40, re-enacted; s. 41, repealed

38.—(1) The coroner shall render the account for his fee and allowances for holding an investigation or Coroners' accounts

inquest to the treasurer of the county in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district, to the treasurer of the district, and when the account has been audited by the county board of audit, or where the investigation or inquest was held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer of the county or provisional judicial district, as the case may be, shall pay the amount specified therein.

Crown
attorneys'
and
constables'
accounts

- (2) The Crown attorney's account for his fee and expenses for attending an inquest and a constable's account for his fee and travelling expenses for services performed in connection with an inquest shall be rendered and paid in the manner provided in *The Administration of Justice Expenses Act*.

Rev. Stat.,
c. 5

Witnesses',
jurors',
steno-
graphers'
and inter-
preters'
accounts

- (3) The coroner shall give to every witness and juror entitled to a fee and mileage allowance in connection with an inquest and to every stenographer and interpreter so entitled to a fee an order on the treasurer of the county, city or separated town in which the inquest was held, or where the inquest was held in a provisional judicial district outside a city, on the treasurer of the district, for the payment of the amount of the fee and mileage allowance, if any, specified in the order and upon presentation of the order, the treasurer, if satisfied of the correctness thereof, shall pay the amount in accordance therewith.

Post mortem
examination
accounts

- (4) A legally qualified medical practitioner shall render his account for his fee for any *post mortem* examination or analysis under Schedule C to the treasurer of the county, city or separated town in which the investigation or inquest was held, or where the investigation or inquest was held in a provisional judicial district outside a city, to the treasurer of the district, and if the amount has been approved by the coroner, and where it has been determined that an inquest is unnecessary, approved also by the Attorney-General, the Crown attorney or the supervising coroner, the treasurer of the county, city, separated town or provisional judicial district, as the case may be, shall pay the amount specified therein.

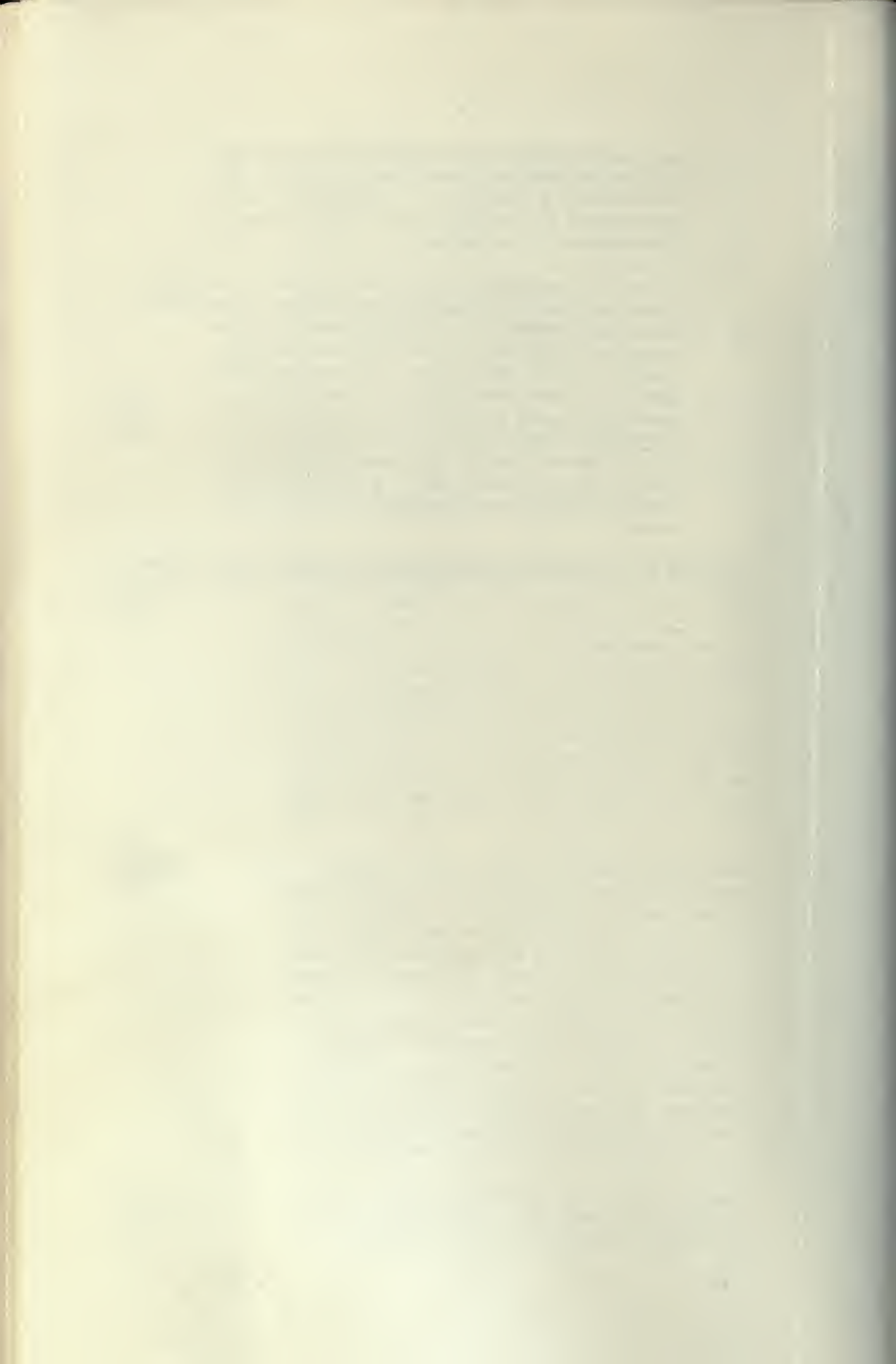
Reimburse-
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coroners'
fees, etc.

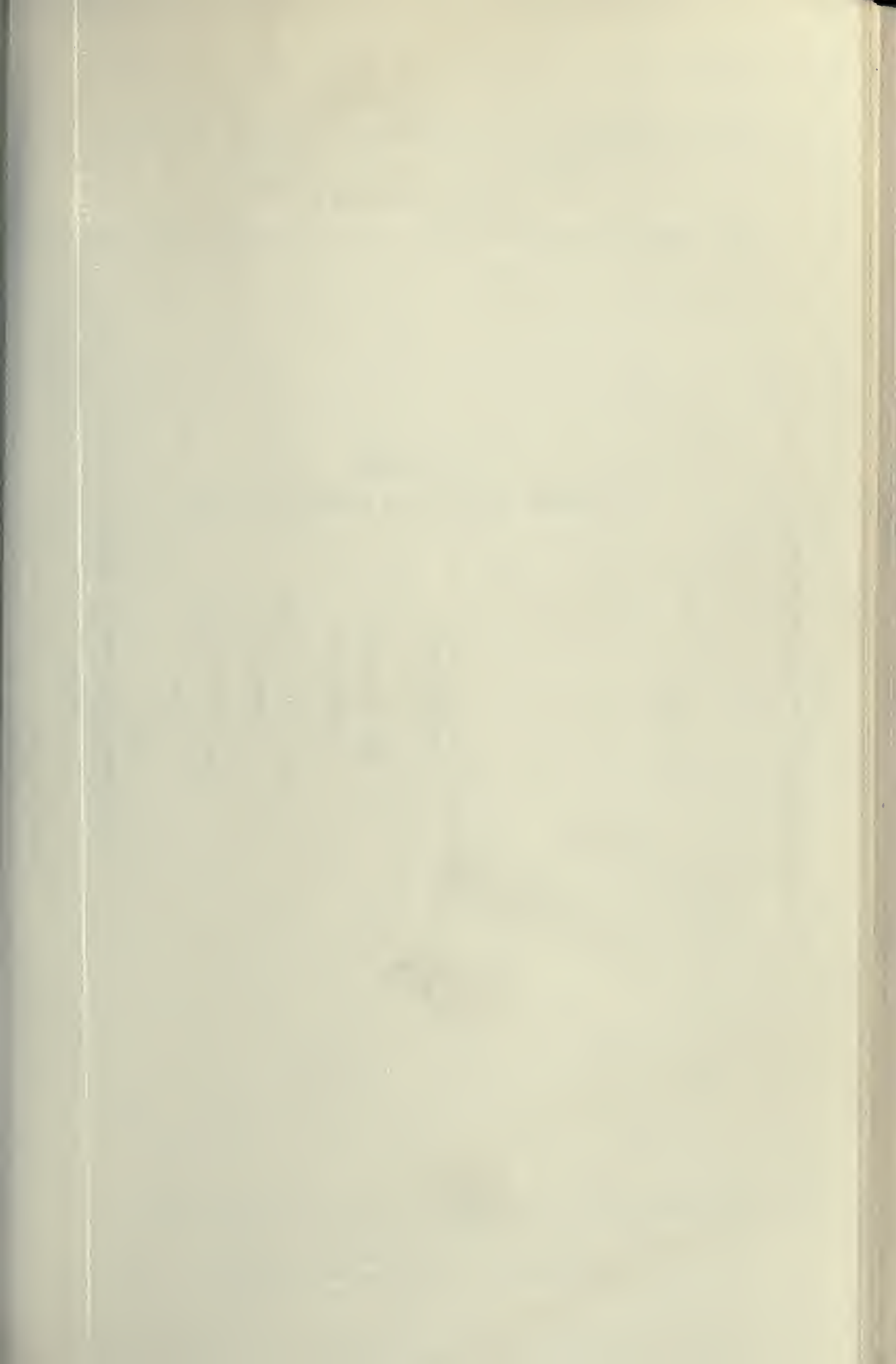
39. Coroners' fees and allowances for holding investigations and inquests paid by the treasurer of a county under subsection 1 of section 38 shall, when the

accounts therefor have been audited by the Auditor of Criminal Justice Accounts, be reimbursed to the treasurer of the county out of such moneys as are appropriated by the Legislature for the expenses of the administration of justice.

40. Where an investigation or inquest is held by a coroner and it is found that the cause of death did not arise in the county, city, separated town or provisional judicial district in which the investigation or inquest was held, the amounts of the fees and allowances that were paid in the first instance by the treasurer of such county, city, separated town or provisional judicial district shall be paid to him on the certificate of the coroner by the treasurer of the county, city, separated town or provisional judicial district in which it was found that the cause of death arose.

3. This Act may be cited as *The Coroners Amendment Act*, Short title 1955.





No. 40

BILL

An Act to amend The Coroners Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 41

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The County Judges Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The sections repealed are archaic. The subject matter is now dealt with in the *Judges Act* (Canada).

SECTION 2. Complementary to section 1 of the bill. All references to the office of deputy judge are deleted.

SECTION 3. Correction of error.

SECTION 4. Self-explanatory.

No. 41

1955

BILL

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1, 2, 3, 11, 12 and 13 of *The County Judges Act* are repealed. Rev. Stat.,
c. 76, ss. 1-3,
11-13,
repealed

2. Section 14 of *The County Judges Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 76, s. 14,
re-enacted

14. Every judge and junior judge, before entering upon the duties of his office, shall take and subscribe the following oath before a person appointed by the Lieutenant-Governor to administer the same: Oath of
office

I,, do swear that I will, truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of judge of the County Court of the County of (or District Court of the District of). So help me God.

3. Subsection 8 of section 18 of *The County Judges Act*, as re-enacted by section 2 of *The County Judges Amendment Act, 1951*, is amended by striking out the word "judicial" in the second line and inserting in lieu thereof the word "municipal", so that the subsection shall read as follows: Rev. Stat.,
c. 76, s. 18
(1951,
c. 16, s. 2),
subs. 8,
amended

(8) The local municipalities not forming part of a county for municipal purposes shall pay to the county such proper proportion of the cost of the shorthand writer or writers appointed for the local courts of the county as may be mutually agreed upon, or failing agreement, as may be determined by arbitration. Contribution

4.—(1) Section 20 of *The County Judges Act* is amended by adding at the end thereof the word "or that a provisional judicial district or two or more provisional judicial districts" Rev. Stat.,
c. 76, s. 20,
amended

shall form a district court district for the purposes of this Act", so that subsection 1 of the section shall read as follows:

County and
district
court
districts

- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act or that a provisional judicial district or two or more provisional judicial districts shall form a district court district for the purposes of this Act.

Rev. Stat.,
c. 76, s. 20,
amended

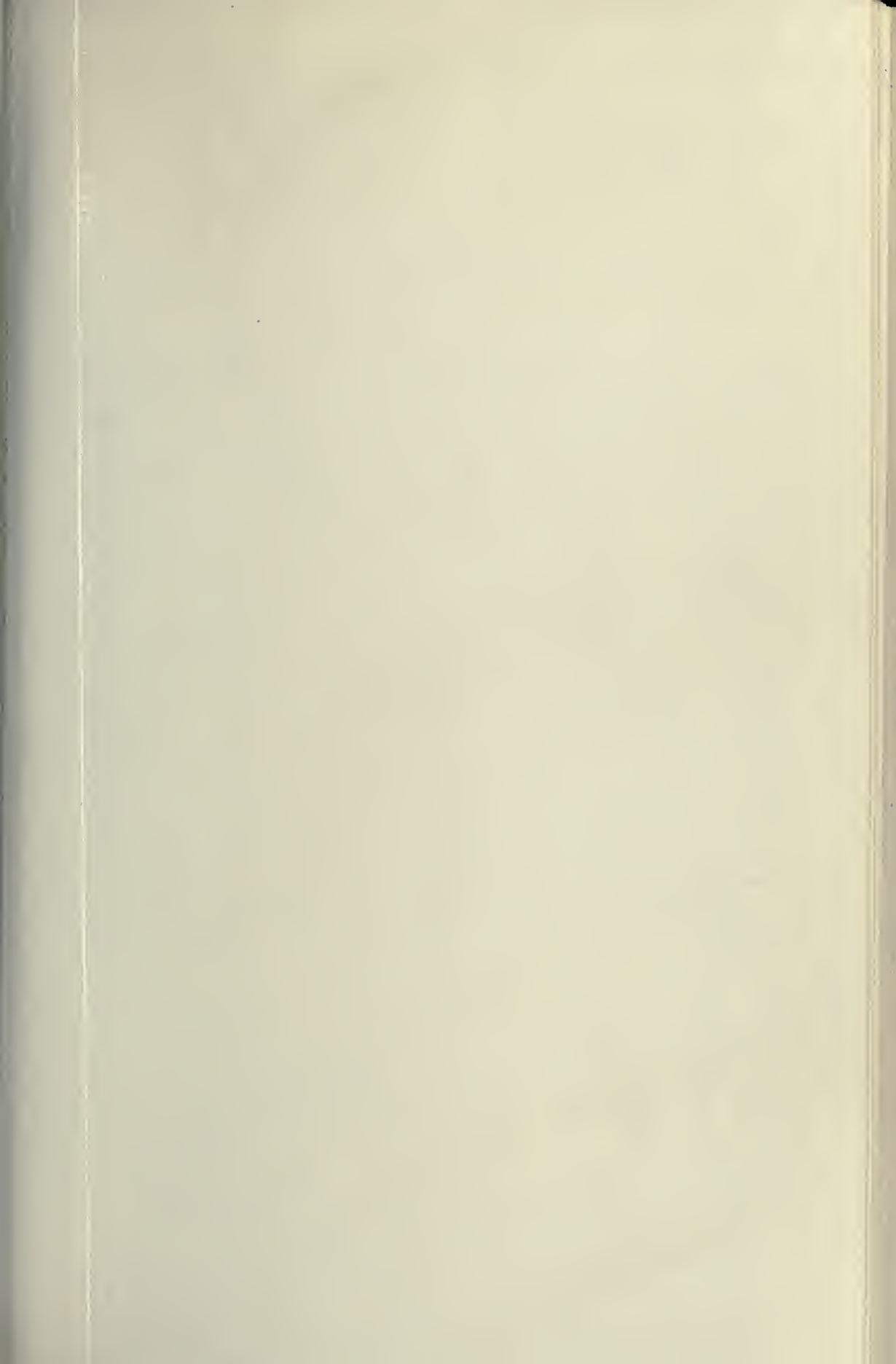
- (2) The said section 20 is further amended by adding thereto the following subsection:

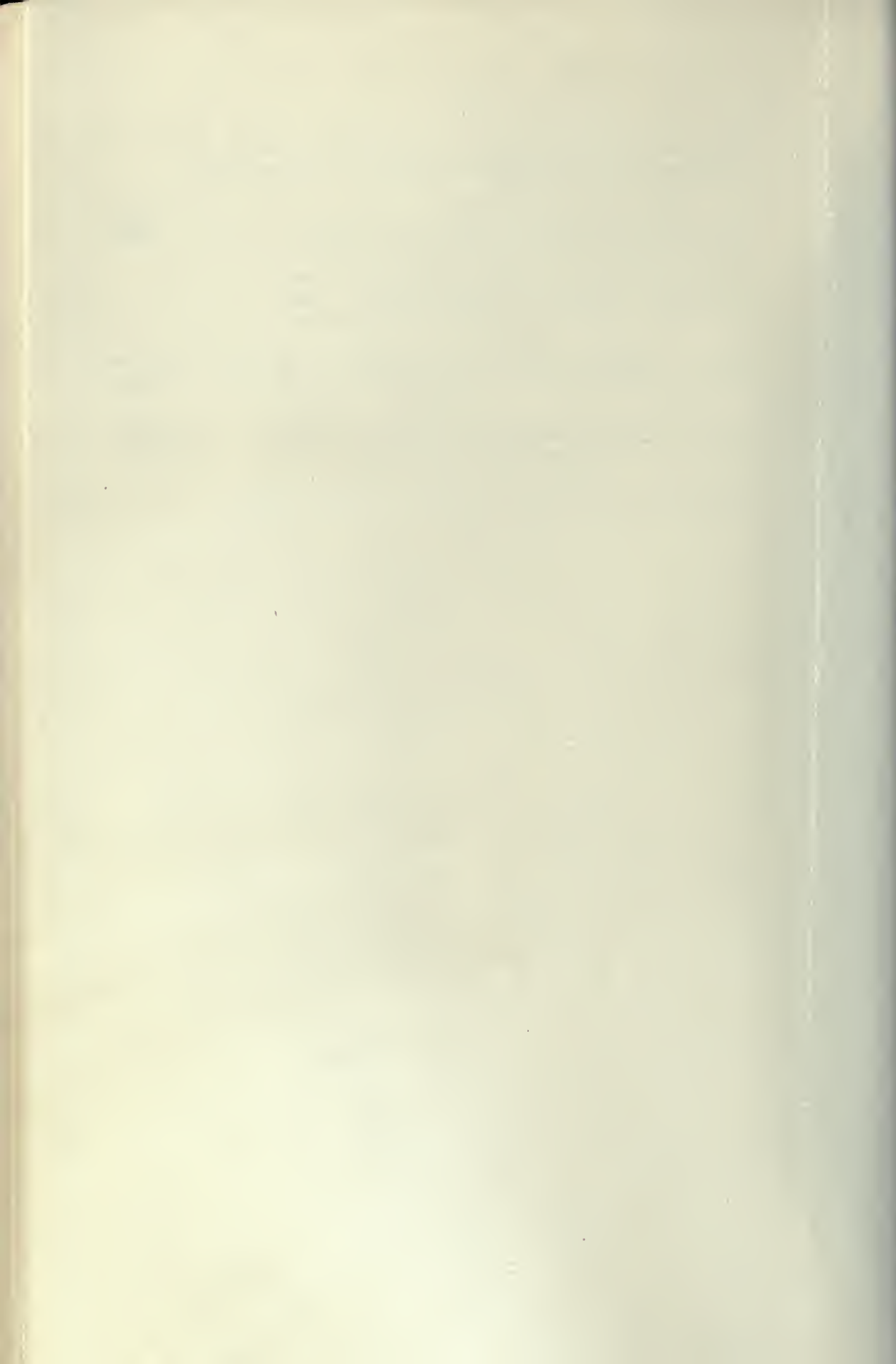
Application
of ss. 21-27

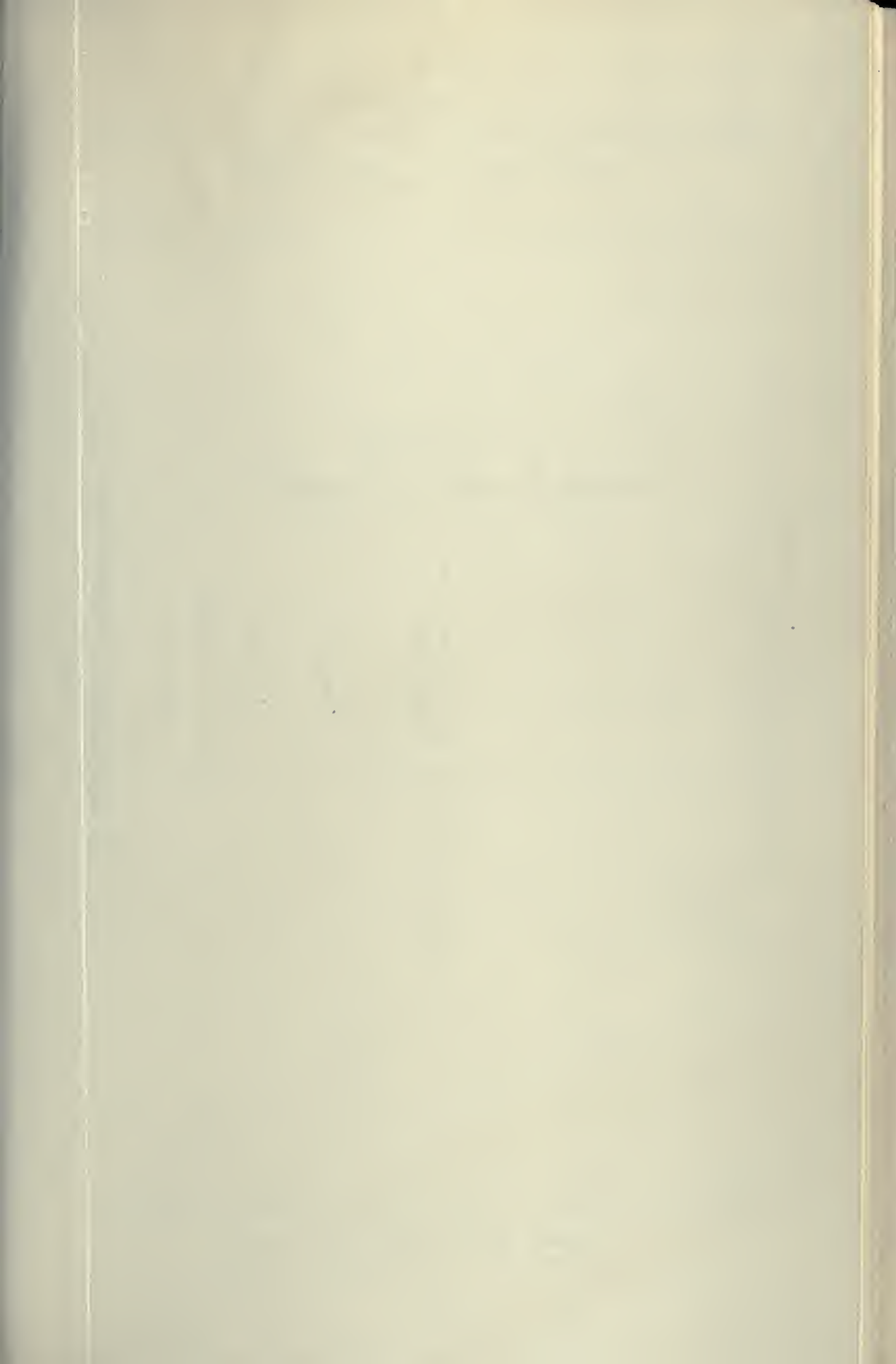
- (2) When a district court district is formed, sections 21 to 27 shall apply *mutatis mutandis*.

Short title

- 5.** This Act may be cited as *The County Judges Amendment Act, 1955*.







BILL

An Act to amend The County Judges Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 41

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The County Judges Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 41

1955

BILL

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1, 2, 3, 11, 12 and 13 of *The County Judges Act* Rev. Stat., c. 76, ss. 1-3, 11-13, repealed are repealed.

2. Section 14 of *The County Judges Act* is repealed and the following substituted therefor: Rev. Stat., c. 76, s. 14, re-enacted

14. Every judge and junior judge, before entering upon the duties of his office, shall take and subscribe the following oath before a person appointed by the Lieutenant-Governor to administer the same: Oath of office

I,, do swear that I will, truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of judge of the County Court of the County of (or District Court of the District of). So help me God.

3. Subsection 8 of section 18 of *The County Judges Act*, Rev. Stat., c. 76, s. 18 (1951, s. 2), amended as re-enacted by section 2 of *The County Judges Amendment Act, 1951*, is amended by striking out the word "judicial" in the second line and inserting in lieu thereof the word "municipal", so that the subsection shall read as follows:

(8) The local municipalities not forming part of a county Contribution for municipal purposes shall pay to the county such proper proportion of the cost of the shorthand writer or writers appointed for the local courts of the county as may be mutually agreed upon, or failing agreement, as may be determined by arbitration.

4.—(1) Section 20 of *The County Judges Act* is amended by Rev. Stat., c. 76, s. 20, amended adding at the end thereof the words "or that a provisional judicial district or two or more provisional judicial districts

shall form a district court district for the purposes of this Act", so that subsection 1 of the section shall read as follows:

County and
district
court
districts

- (1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act or that a provisional judicial district or two or more provisional judicial districts shall form a district court district for the purposes of this Act.

Rev. Stat.,
c. 76, s. 20,
amended

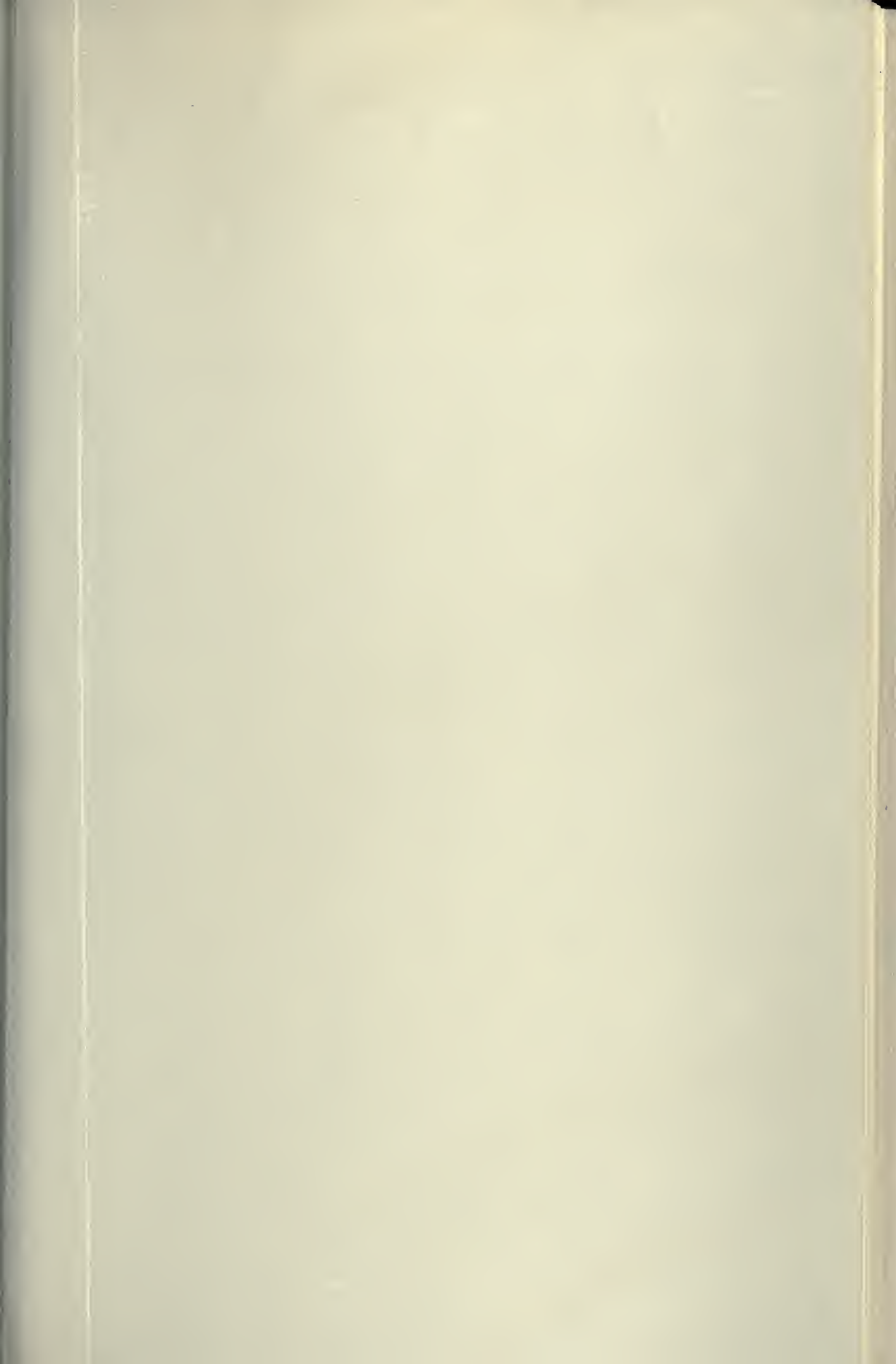
- (2) The said section 20 is further amended by adding thereto the following subsection:

Application
of ss. 21-27

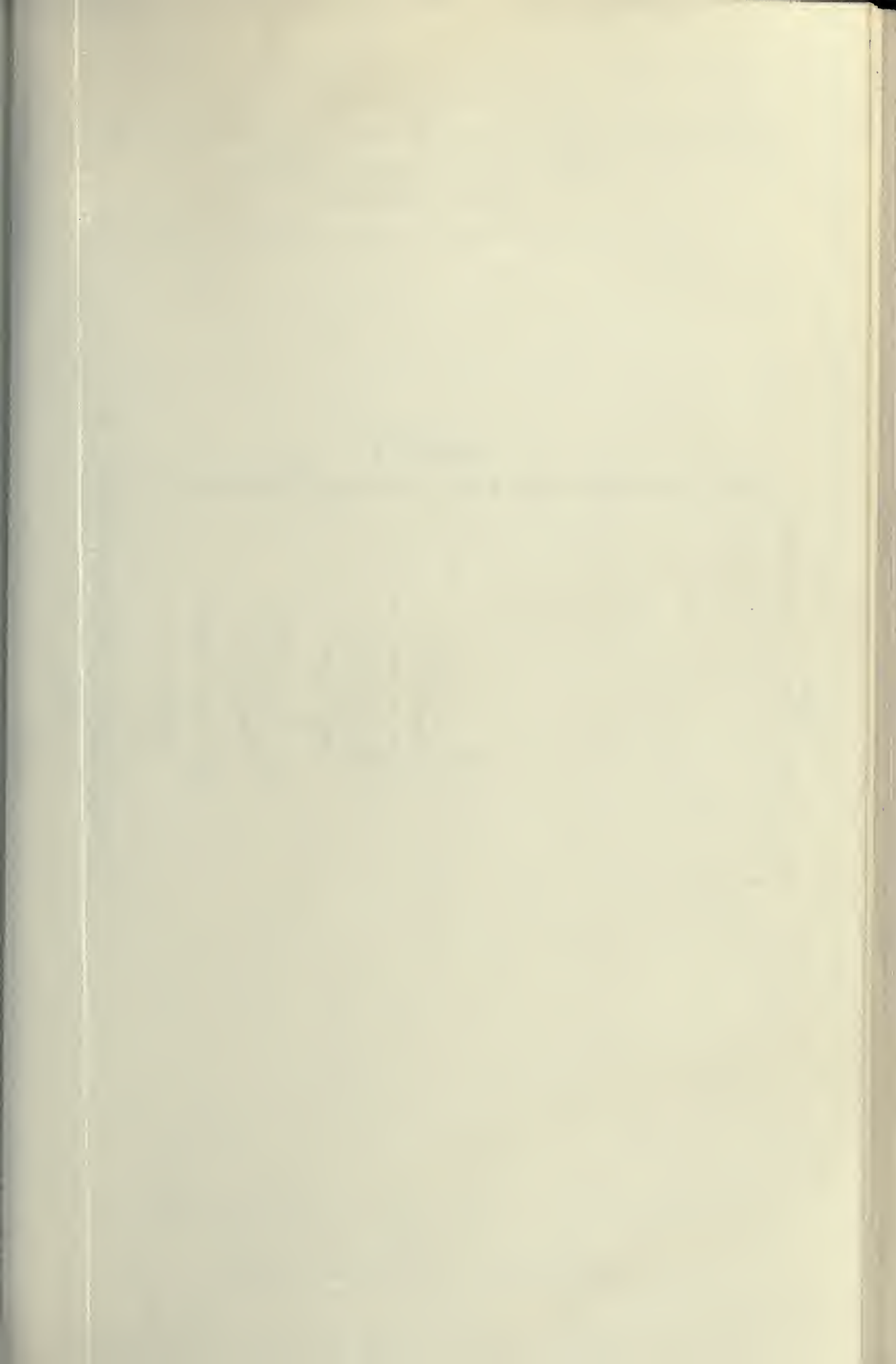
- (2) When a district court district is formed, sections 21 to 27 shall apply *mutatis mutandis*.

Short title

- 5.** This Act may be cited as *The County Judges Amendment Act, 1955*.







BILL

An Act to amend The County Judges Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

Mr. PORTER

No. 42

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Juvenile and Family Courts Act, 1954

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This subsection is new. It will enable the work of a court to continue without interruption until a permanent appointee is named by the Lieutenant-Governor in Council.

SECTION 2. The new section is designed to remove any doubt as to the status of the persons mentioned.

No. 42

1955

BILL

An Act to amend The Juvenile and Family Courts Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Juvenile and Family Courts Act, 1954* ^{1954, c. 41, s. 5, amended} is amended by adding thereto the following subsection:

(3a) Where the office of judge or deputy judge is vacant, ^{Vacancy in office of judge} the Attorney-General may appoint any person to act *pro tempore* as such.

2. *The Juvenile and Family Courts Act, 1954* is amended ^{1954, c. 41, amended} by adding thereto the following section:

8a. The clerk, probation officers and members of the ^{Status of clerk, etc.} staff of a juvenile and family court shall be deemed to have been and to be employees of the municipality that pays their salaries.

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1955*. ^{Short title}

BILL

An Act to amend The Juvenile and
Family Courts Act, 1954

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 42

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Juvenile and Family Courts Act, 1954

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 42

1955

BILL

An Act to amend The Juvenile and Family Courts Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Juvenile and Family Courts Act, 1954* ^{1954, c. 41, s. 5,} is amended by adding thereto the following subsection: ^{amended}

(3a) Where the office of judge or deputy judge is vacant, ^{Vacancy} the Attorney-General may appoint any person ^{in office} to ^{of judge} act *pro tempore* as such.

2. *The Juvenile and Family Courts Act, 1954* is amended ^{1954, c. 41,} by adding thereto the following section: ^{amended}

8a. The clerk, probation officers and members of the ^{Status of} staff of a juvenile and family court shall be deemed ^{clerk, etc.} to have been and to be employees of the municipality that pays their salaries.

3. This Act may be cited as *The Juvenile and Family* ^{Short title} *Courts Amendment Act, 1955.*

BILL

An Act to amend The Juvenile and
Family Courts Act, 1954

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

NO. 43

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Magistrates Act, 1952

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The new subsection is designed to remove all doubt as to the power of the Lieutenant-Governor in Council to specially authorize magistrates to try cases under Part XVI (indictable offences) of the new *Criminal Code* which comes into force on April 1, 1955. See section 466(b)(i) of the new *Code*.

SECTION 2. Section 10 states "A magistrate shall continue to be a police magistrate for the purposes of the *Criminal Code* (Canada)." As the new *Code* does not use the expression "police magistrate", this section becomes obsolete and is therefore repealed.

No. 43

1955

BILL

An Act to amend The Magistrates Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Magistrates Act, 1952* is amended by adding thereto the following subsection:

1952,
c. 53, s. 2,
amended
- (2) A magistrate may be specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by Part XVI of the *Criminal Code* (Canada).

Special
authoriza-
tion
1953-54,
c. 51 (Can.)
2. Section 10 of *The Magistrates Act, 1952* is repealed.

1952,
c. 53, s. 10,
repealed
3. This Act comes into force on the 1st day of April, 1955.

Commence-
ment
4. This Act may be cited as *The Magistrates Amendment Act, 1955*.

Short title

BILL

An Act to amend The Magistrates
Act, 1952

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 43

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Magistrates Act, 1952

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 43

1955

BILL

An Act to amend The Magistrates Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Magistrates Act, 1952* is amended by adding thereto the following subsection: 1952,
c. 53, s. 2,
amended
 - (2) A magistrate may be specially authorized by the terms of his appointment to exercise the jurisdiction conferred upon a magistrate by Part XVI of the *Criminal Code* (Canada). Special
authoriza-
tion
1953-54,
c. 51 (Can.)
2. Section 10 of *The Magistrates Act, 1952* is repealed. 1952,
c. 53, s. 10,
repealed
3. This Act comes into force on the 1st day of April, 1955. Commence-
ment
4. This Act may be cited as *The Magistrates Amendment Act, 1955*. Short title

BILL

An Act to amend The Magistrates
Act, 1952

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 44

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Matrimonial Causes Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. The present subsection 1 requires the Official Guardian to investigate and report to the court on all matters relating to the custody, maintenance, etc., of children under sixteen whose parents are involved in a divorce action.

The new subsection is designed to eliminate obviously unwanted investigations.

Subsection 2. There is no change in principle. The subsection is re-enacted in an attempt to clarify its intent in order to ensure that the trial judge will have ample power to deal with these situations as he thinks best.

No. 44

1955

BILL

An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Matrimonial Causes Act* is amended Rev. Stat., c. 226, s. 6, amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

- (1) In this section, “child of the marriage” and “child” Interpretation 1954, c. 8 include a child adopted under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof by the parties to the action but do not include a child of the marriage of the parties who has been adopted by another person under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: Rev. Stat., c. 226, s. 6, subs. 5, re-enacted

- (5) Notwithstanding that no claim for custody or maintenance of the child is made in the action, the judge Powers of judge presiding at the trial may make such order as to the custody or maintenance, or both, of the child as may seem proper.

2. This Act may be cited as *The Matrimonial Causes Amendment Act, 1955*. Short title

BILL
An Act to amend The Matrimonial
Causes Act

1st Reading
February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 44

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Matrimonial Causes Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



No. 44

1955

BILL

An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Matrimonial Causes Act* is amended Rev. Stat., c. 226, s. 6, amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

- (1) In this section, “child of the marriage” and “child” Interpretation 1954, c. 8 include a child adopted under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof by the parties to the action but do not include a child of the marriage of the parties who has been adopted by another person under Part IV of *The Child Welfare Act, 1954* or a predecessor thereof.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: Rev. Stat., c. 226, s. 6, subs. 5, re-enacted

- (5) Notwithstanding that no claim for custody or maintenance of the child is made in the action, the judge Powers of judge presiding at the trial may make such order as to the custody or maintenance, or both, of the child as may seem proper.

2. This Act may be cited as *The Matrimonial Causes Amendment Act, 1955*. Short title

BILL

An Act to amend The Matrimonial
Causes Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 45

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to bring up to date the References to the Statutes
of Canada in the Statutes of Ontario

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Act is made advisable by reason of the recent revision of the statutes of Canada, particularly the *Criminal Code* which comes into force on April 1st, 1955.

No. 45

1955

BILL

An Act to bring up to date the References to the Statutes of Canada in the Statutes of Ontario

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. A reference in an Act of the Legislature to an enactment of the Parliament of Canada that has been re-enacted, amended, revised or consolidated shall be deemed to be a reference to such enactment as re-enacted, amended, revised or consolidated and in force on the day this Act comes into force.

References brought up to date

2. This Act comes into force on the 1st day of April, 1955.

Commence-
ment

3. This Act may be cited as *The Statutory References Act, 1955*.

Short title

BILL

An Act to bring up to date the References
to the Statutes of Canada in the
Statutes of Ontario

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 45

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to bring up to date the References to the Statutes
of Canada in the Statutes of Ontario

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 45

1955

BILL

An Act to bring up to date the References to the Statutes of Canada in the Statutes of Ontario

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. A reference in an Act of the Legislature to an enactment ^{References brought up to date} of the Parliament of Canada that has been re-enacted, amended, revised or consolidated shall be deemed to be a reference to such enactment as re-enacted, amended, revised or consolidated and in force on the day this Act comes into force.

2. This Act comes into force on the 1st day of April, 1955. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Statutory References Act, 1955*. ^{Short title}

BILL

An Act to bring up to date the References
to the Statutes of Canada in the
Statutes of Ontario

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 46

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Summary Convictions Act

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The references in section 3 of the present Act are to the "old" *Criminal Code* that is being replaced by the "new" *Criminal Code* on April 1st, 1955. Section 3 is re-enacted with references to the new *Criminal Code*.

Subsection 2 is new. It was section 721(5) of the old *Code* but is dropped in the new *Code*. It is therefore now necessary to enact it in order to continue the principle enunciated in it in Ontario.

No. 46

1955

BILL

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 379, s. 3,
re-enacted
- 3.—(1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, apply ^{of Criminal Code} *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act. 1953-54
c. 51 (Can.)
- (2) In proceedings under this Act the depositions need not be read over to or signed by the witness. Depositions
need not
be signed
- (3) Notwithstanding anything in *The Judicature Act*, a case stated under Part XXIV of the *Criminal Code* (Canada) shall be heard and determined by a judge of the Supreme Court in chambers. Stated
cases
Rev. Stat.,
c. 190
2. This Act comes into force on the 1st day of April, 1955. Commence-
ment
3. This Act may be cited as *The Summary Convictions Amendment Act, 1955*. Short title

BILL

An Act to amend The Summary
Convictions Act

1st Reading

February 14th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 46

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Summary Convictions Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 46

1955

BILL

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Summary Convictions Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 379, s. 3,
re-enacted

- 3.—(1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act. Application
of *Criminal
Code*
1953-54,
c. 51 (Can.)

- (2) In proceedings under this Act the depositions need not be read over to or signed by the witness. Depositions
need not
be signed

- (3) Notwithstanding anything in *The Judicature Act*, a case stated under Part XXIV of the *Criminal Code* (Canada) shall be heard and determined by a judge of the Supreme Court in chambers. Stated
cases
Rev. Stat.,
c. 190

2. This Act comes into force on the 1st day of April, 1955. Commence-
ment

3. This Act may be cited as *The Summary Convictions Amendment Act, 1955*. Short title

BILL

An Act to amend The Summary
Convictions Act

1st Reading

February 14th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 47

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Labour Relations Act

MR. THOMAS (Ontario)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 47

1955

BILL

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following section:

Rev. Stat.
c. 194,
amended

9a. Upon the request of a trade union certified under this Act as bargaining agent of a unit of employees and upon receipt of a request in writing signed by any employee in such unit, the employer shall, until the employee in writing withdraws such request, periodically deduct and pay out of the wages due to such employee, to the person designated by the trade union to receive the same, the union dues of such employee, and the employer shall furnish to such trade union the names of the employees who have given and withdrawn such authority.

Voluntary
revocable
check-off of
union dues

2. This Act may be cited as *The Labour Relations Amendment Act, 1955*.

Short title

BILL

An Act to amend The Labour
Relations Act

1st Reading

February 15th, 1955

2nd Reading

3rd Reading

MR. THOMAS (Ontario)

No. 48

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Vital Statistics Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Under the present Act a change of name effected in another province by a person born or married in Ontario can be registered in the office of the Registrar-General only on the production of a certified copy of the court order effecting the change. All provinces do not effect such changes by court order.

Clauses *c* and *d* of the proposed subsection 1 are new. They provide for the other methods of effecting a change of name, so that the Registrar-General can register a change of name made in any province.

No. 48

1955

BILL

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 26 of *The Vital Statistics Act*, as re-enacted by section 2 of *The Vital Statistics Amendment Act, 1951*, are repealed and the following substituted therefor: Rev. Stat., c. 412, s. 26, subss. 1, 2 (1951, c. 91, s. 2), re-enacted

(1) Upon receipt of,

Change of name, registration

(a) a certified copy of an order transmitted under *The Change of Name Act*; or

Rev. Stat., c. 47

(b) a certified copy of an order made under an Act of another province; or

(c) a certificate of change of name made under an Act of another province; or

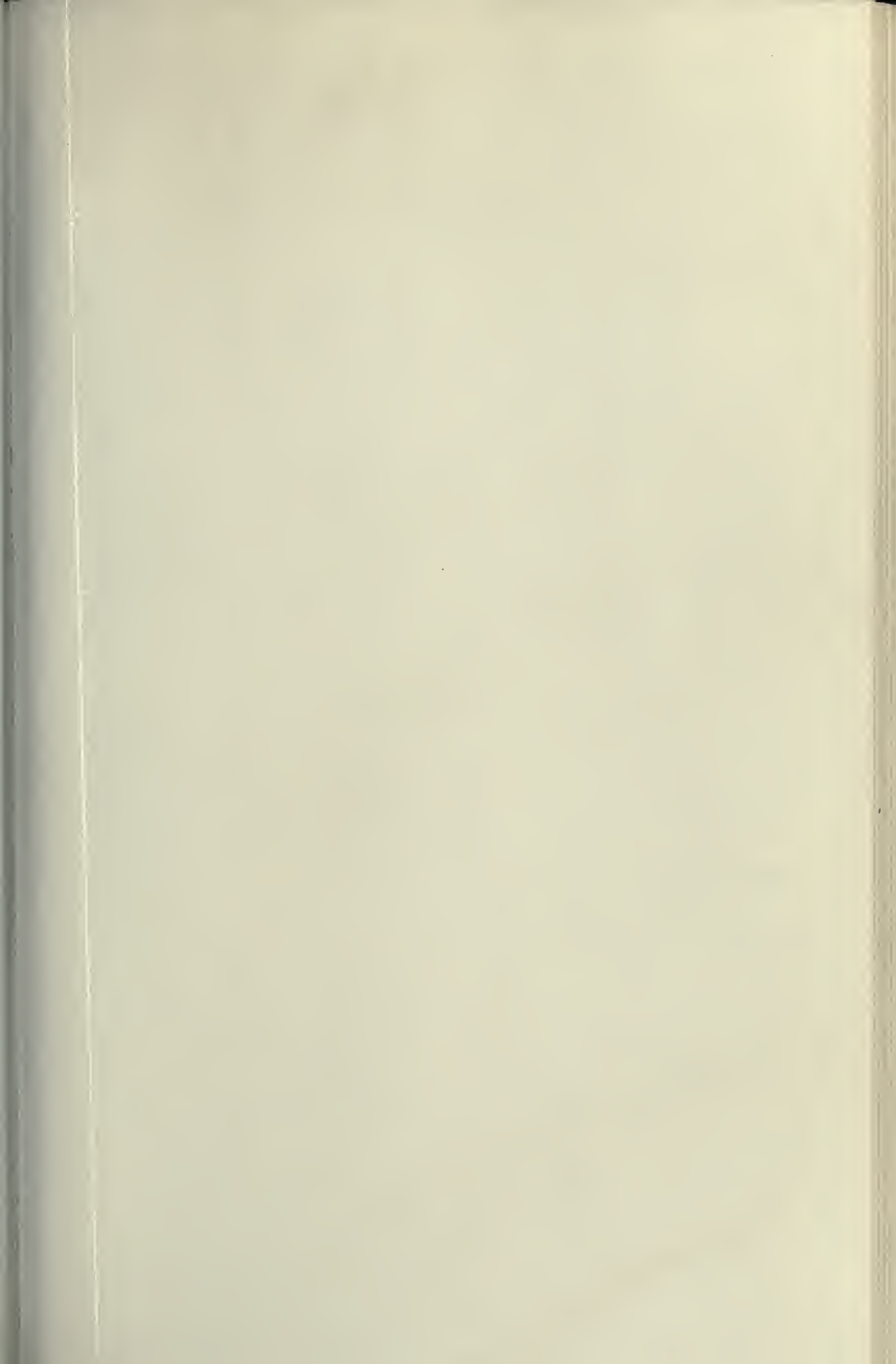
(d) a certified copy of an Act of the Legislature of another province,

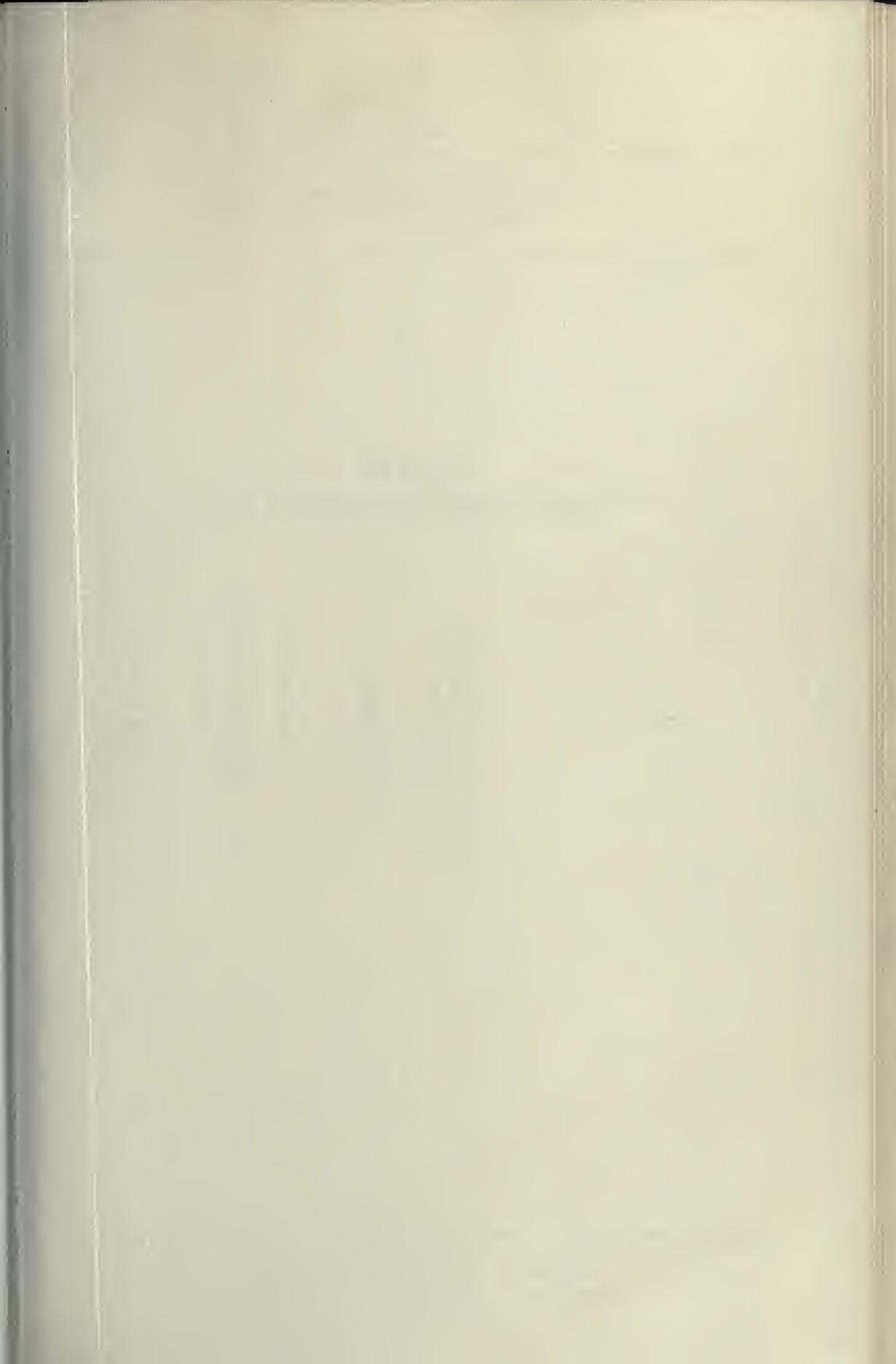
being evidence satisfactory to the Registrar-General of the change of name of a person who was born or married in Ontario, the Registrar-General shall register the order, the certificate or the Act, as the case may be.

(2) If the birth or marriage of a person whose change of name is registered under subsection 1 is or becomes registered in Ontario, the Registrar-General upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order, certificate or Act to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth Idem, notation

or marriage to be endorsed on the copy of the order or on the certificate or on the copy of the Act, as the case may be.

Short title **2.** This Act may be cited as *The Vital Statistics Amendment Act, 1955*.





BILL

An Act to amend The Vital
Statistics Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 48

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Vital Statistics Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 48

1955

BILL

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 26 of *The Vital Statistics Act*, as re-enacted by section 2 of *The Vital Statistics Amendment Act, 1951*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 412, s. 26,
subss. 1, 2
(1951,
c. 91, s. 2),
re-enacted

(1) Upon receipt of,

Change of
name,
registration

(a) a certified copy of an order transmitted under
The Change of Name Act; or

Rev. Stat.,
c. 47

(b) a certified copy of an order made under an
Act of another province; or

(c) a certificate of change of name made under an
Act of another province; or

(d) a certified copy of an Act of the Legislature
of another province,

being evidence satisfactory to the Registrar-General of the change of name of a person who was born or married in Ontario, the Registrar-General shall register the order, the certificate or the Act, as the case may be.

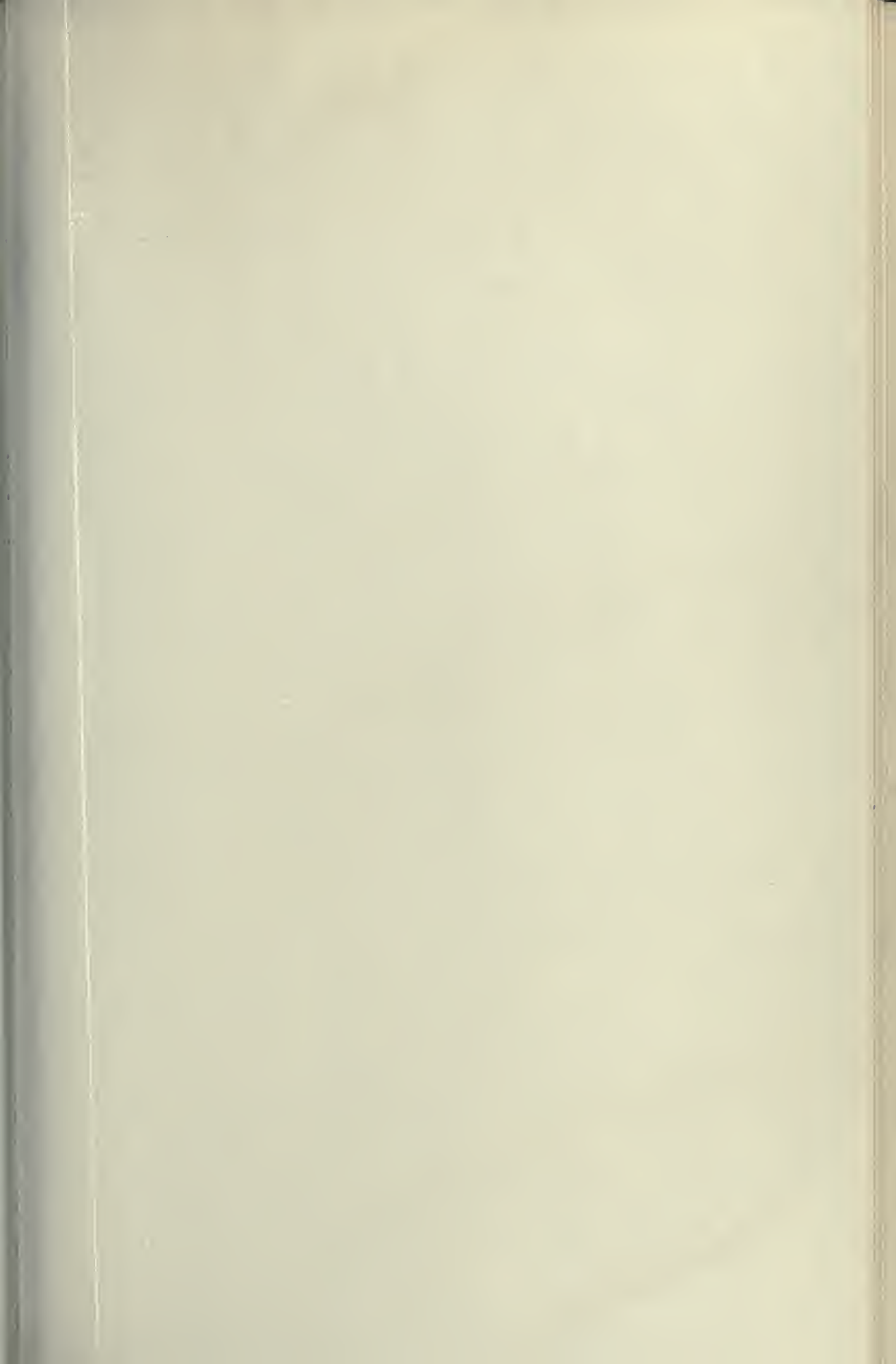
(2) If the birth or marriage of a person whose change of name is registered under subsection 1 is or becomes registered in Ontario, the Registrar-General upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the change of name with a reference to the registration of the order, certificate or Act to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth

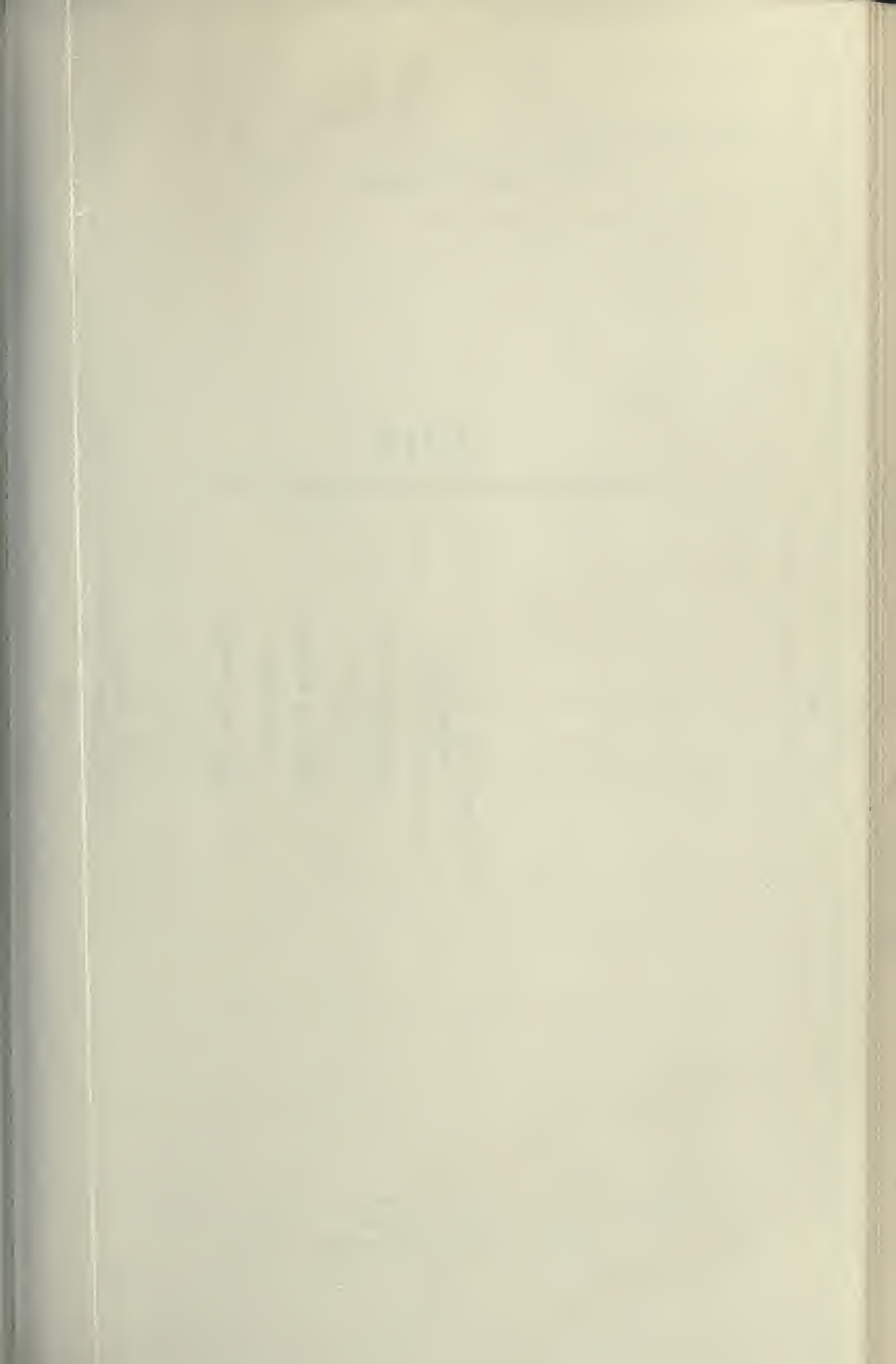
Idem,
notation

or marriage to be endorsed on the copy of the order or on the certificate or on the copy of the Act, as the case may be.

Short title

2. This Act may be cited as *The Vital Statistics Amendment Act, 1955*.





BILL

An Act to amend The Vital
Statistics Act

1st Reading

February 16th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 4th, 1955

MR. PORTER

No. 49

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Division Courts Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The section is re-enacted to prevent a judgment debtor from adding other judgments to his consolidation order and so defeating the purpose of the order.

SECTION 2—Subsection 1. The present section provides that so long as a judgment debtor is not in default under a consolidation order no proceedings after judgment can be taken against him. The amendment makes an exception to this rule to enable an execution to be registered against the lands of the judgment debtor.

Subsection 2. This new subsection will prevent a judgment debtor who is in default under a consolidation order from securing numerous re-instatements and so defeating the purpose of the order.

No. 49

1955

BILL

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 159 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 159, re-enacted

159.—(1) Where a judgment is obtained against the judgment debtor after the date of the consolidation order, the consolidation order *ipso facto* terminates. Judgment after order

(2) Where the judgment debtor applies for a further consolidation order, the judge shall examine the nature of the further debt or debts incurred and may make the order. Further order

2.—(1) Subsection 1 of section 161 of *The Division Courts Act* is amended by inserting after the word "judgment" in the second line the words "except an execution against lands", so that the subsection shall read as follows: Rev. Stat., c. 106, s. 161, subs. 1, amended

(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment, except an execution against lands, shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed. Effect of order

(2) The said section 161 is amended by adding thereto the following subsection: Rev. Stat., c. 106, s. 161, amended

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of one year from the date of such termination. Stay for one year

3. This Act may be cited as *The Division Courts Amendment Act, 1955*. Short title

BILL

An Act to amend The Division
Courts Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 49

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Division Courts Act

MR. PORTER

(Reprinted as amended by the Committee on Legal Bills)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The section is re-enacted to prevent a judgment debtor from adding other judgments to his consolidation order and so defeating the purpose of the order.

SECTION 2—Subsection 1. The present section provides that so long as a judgment debtor is not in default under a consolidation order no proceedings after judgment can be taken against him. The amendment makes an exception to this rule to enable an execution to be registered against the lands of the judgment debtor.

Subsection 2. This new subsection will prevent a judgment debtor who is in default under a consolidation order from securing numerous reinstatements and so defeating the purpose of the order.

No. 49

1955

BILL

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 159 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 159, re-enacted

159.—(1) Where a judgment is obtained against the judgment debtor after the date of the consolidation order, the consolidation order *ipso facto* terminates. Judgment after order

(2) Where the judgment debtor applies for a further consolidation order, the judge shall examine the nature of the further debt or debts incurred and may make the order. Further order

2.—(1) Subsection 1 of section 161 of *The Division Courts Act* is amended by inserting after the word "judgment" in the second line the words "except an execution against lands", so that the subsection shall read as follows: Rev. Stat., c. 106, s. 161, subs. 1, amended

(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment, except an execution against lands, shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed. Effect of order

(2) The said section 161 is amended by adding thereto the following subsection: Rev. Stat., c. 106, s. 161, amended

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of three months from the date of such termination. Stay for three months

3. This Act may be cited as *The Division Courts Amendment Act, 1955*. Short title

BILL

An Act to amend The Division
Courts Act

1st Reading

February 16th, 1955

2nd Reading

February 24th, 1955

3rd Reading

MR. PORTER

(Reprinted as amended by the Committee
on Legal Bills)

No. 49

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Division Courts Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 49

1955

BILL

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 159 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 159, re-enacted

159.—(1) Where a judgment is obtained against the judgment debtor after the date of the consolidation order, the consolidation order *ipso facto* terminates. Judgment after order

(2) Where the judgment debtor applies for a further consolidation order, the judge shall examine the nature of the further debt or debts incurred and may make the order. Further order

2.—(1) Subsection 1 of section 161 of *The Division Courts Act* is amended by inserting after the word "judgment" in the second line the words "except an execution against lands", so that the subsection shall read as follows: Rev. Stat., c. 106, s. 161, subs. 1, amended

(1) Subject to subsection 2, no garnishee summons and no proceedings subsequent to judgment, except an execution against lands, shall be taken or continued against the judgment debtor named therein in a division court in which a consolidation order or a certified copy thereof is filed. Effect of order

(2) The said section 161 is amended by adding thereto the following subsection: Rev. Stat., c. 106, s. 161, amended

(3) Where a consolidation order has terminated under subsection 2, no further consolidation order shall be made in respect of such judgment debtor for a period of three months from the date of such termination. Stay for three months

3. This Act may be cited as *The Division Courts Amendment Act, 1955*. Short title

BILL

An Act to amend The Division
Courts Act

1st Reading

February 16th, 1955

2nd Reading

February 24th, 1955

3rd Reading

March 14th, 1955

MR. PORTER

No. 50

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Loan and Trust Corporations Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1, 2(2) and 3. Registered loan and trust corporations incorporated here do not have the powers given to similar corporations incorporated under Federal legislation with respect to (i) power to invest in real estate for the production of income, (ii) power to purchase shares of other loan and trust corporations as a preliminary step to the acquisition of the assets and undertakings of real estate corporations.

These amendments will bring provincial and Federal loan and trust corporations into line in these respects.

No. 50

1955

BILL

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 214,
amended

103a.—(1) Without limiting the powers that a registered loan corporation or loaning land corporation has under section 95, any such corporation may, for the purpose of acquiring the assets of any other loan corporation or loaning land corporation in Canada pursuant to sections 95 to 103, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,
 - (i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such other corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
 - (ii) the purchase has been approved by at least a three-fourths vote of such shares

as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing corporation.

3. The power to purchase shares under this section is in addition to the powers set forth in section 133, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a corporation has purchased shares under this section, it shall, under the provisions of sections 95 to 103, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister and the Registrar may direct the corporation to sell or otherwise absolutely dispose of the shares.

Consideration for shares

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing corporation or in part cash and in part shares of the purchasing corporation or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a corporation to purchase or acquire its own shares.

Allotment rights not to apply

- (4) Any provisions in any letters patent or special Act by which a purchasing corporation was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing corporation for the purpose of subsection 2.

.

104a.—(1) Without limiting the powers a registered trust company has under section 104, any such company may, for the purpose of acquiring the assets of any corporation in Canada pursuant to section 104, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,
 - (i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
 - (ii) the purchase has been approved by at least a three-fourths vote of such shares as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing company.
3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 134, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a company has purchased shares under this section, it shall, under the provisions of section 104, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being

Acquisition
by trust
company of
another cor-
poration by
purchase of
shares

satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Registrar for the Minister and the Registrar may direct the company to sell or otherwise absolutely dispose of the shares.

Consideration

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing company or in part cash and in part shares of such purchasing company or such other consideration as may be agreed upon.

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Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

2.—(1) Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank;

1945 (2nd
Sess.), c. 11
(Can.)

- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton-Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

(2) Subsection 1 of the said section 133 is further amended by striking out the word "or" at the end of clause *h*, by adding the word "or" at the end of clause *i* and by adding thereto the following clause:

SECTION 2(1). This amendment will permit loan and trust corporations to invest in the securities of the International Bank for Reconstruction and Development.

- (j) real estate in Canada for the production of income, real estate for production of income
 either alone or jointly with any other corporation,
- (i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,
 - (ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and
 - (iii) if the total investment of the corporation in any one parcel of real estate does not exceed one-half of 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

3. Section 134 of *The Loan and Trust Corporations Act* is Rev. Stat., c. 214, s. 134, amended
 amended by adding thereto the following subsection:

- (1a) The total book value of the investments of a Real estate for production of income
 registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company's unimpaired paid-up capital and reserve; provided that the amount invested in any

one parcel of such real estate by a company shall not exceed one-half of 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Rev. Stat.,
c. 214, s. 152,
amended

4. Section 152 of *The Loan and Trust Corporations Act* is amended by striking out the words "Part XIV of *The Companies Act*" in the second line and inserting in lieu thereof the words "Part VII of *The Corporations Act, 1953*", so that the section shall read as follows:

Application
of certain
sections of
1953, c. 19

152. Except where the provisions of this Act are inconsistent, Part VII of *The Corporations Act, 1953* shall apply, substituting for the words "Provincial Secretary" the word "Registrar".

Short title

5. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1955*.

SECTION 4. The reference is brought up to date.

BILL

An Act to amend The Loan and Trust
Corporations Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 50

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Loan and Trust Corporations Act

MR. PORTER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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EXPLANATORY NOTES

SECTIONS 1, 2(2) and 3. Registered loan and trust corporations incorporated here do not have the powers given to similar corporations incorporated under Federal legislation with respect to (i) power to invest in real estate for the production of income, (ii) power to purchase shares of other loan and trust corporations as a preliminary step to the acquisition of the assets and undertakings of real estate corporations.

These amendments will bring provincial and Federal loan and trust corporations into line in these respects.

No. 50

1955

BILL

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 214,
amended

103a.—(1) Without limiting the powers that a registered loan corporation or loaning land corporation has under section 95, any such corporation may, for the purpose of acquiring the assets of any other loan corporation or loaning land corporation in Canada pursuant to sections 95 to 103, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

(i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such other corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and

(ii) the purchase has been approved by at least a three-fourths vote of such shares

as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing corporation.

3. The power to purchase shares under this section is in addition to the powers set forth in section 133, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a corporation has purchased shares under this section, it shall, under the provisions of sections 95 to 103, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister and the Registrar may direct the corporation to sell or otherwise absolutely dispose of the shares.

Consideration for shares

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing corporation or in part cash and in part shares of the purchasing corporation or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a corporation to purchase or acquire its own shares.

Allotment rights not to apply

- (4) Any provisions in any letters patent or special Act by which a purchasing corporation was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing corporation for the purpose of subsection 2.

.

104a.—(1) Without limiting the powers a registered trust company has under section 104, any such company may, for the purpose of acquiring the assets of any corporation in Canada pursuant to section 104, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,
 - (i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
 - (ii) the purchase has been approved by at least a three-fourths vote of such shares as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing company.
3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 134, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a company has purchased shares under this section, it shall, under the provisions of section 104, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being

Acquisition
by trust
company of
another cor-
poration by
purchase of
shares

satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Registrar for the Minister and the Registrar may direct the company to sell or otherwise absolutely dispose of the shares.

Consideration

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing company or in part cash and in part shares of such purchasing company or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a company to purchase or acquire its own shares.

Allotment rights not to apply

- (4) Any provisions in any letters patent or special Act by which a purchasing company was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing company for the purposes of subsection 2.

Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

2.—(1) Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by adding thereto the following clause:

bonds, etc.,
issued or
guaranteed
by Inter-
national
Bank;

1945 (2nd
Sess.), c. 11
(Can.)

- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

Rev. Stat.,
c. 214, s. 133,
subs. 1,
amended

- (2) Subsection 1 of the said section 133 is further amended by striking out the word "or" at the end of clause *h*, by adding the word "or" at the end of clause *i* and by adding thereto the following clause:

SECTION 2(1). This amendment will permit loan and trust corporations to invest in the securities of the International Bank for Reconstruction and Development.

(j) real estate in Canada for the production of income, real estate for production of income
either alone or jointly with any other corporation,

- (i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,
- (ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and
- (iii) if the total investment of the corporation in any one parcel of real estate does not exceed one-half of 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

3. Section 134 of *The Loan and Trust Corporations Act* is Rev. Stat., c. 214, s. 134 amended
amended by adding thereto the following subsection:

- (1a) The total book value of the investments of a Real estate for production of income
registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company's unimpaired paid-up capital and reserve; provided that the amount invested in any

one parcel of such real estate by a company shall not exceed one-half of 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Rev. Stat.,
c. 214, s. 152,
amended

4. Section 152 of *The Loan and Trust Corporations Act* is amended by striking out the words "Part XIV of *The Companies Act*" in the second line and inserting in lieu thereof the words "Part VII of *The Corporations Act, 1953*", so that the section shall read as follows:

Application
of certain
sections of
1953, c. 19

152. Except where the provisions of this Act are inconsistent, Part VII of *The Corporations Act, 1953* shall apply, substituting for the words "Provincial Secretary" the word "Registrar".

Commence-
ment

5. Subsection 1 of section 2 comes into force on the day this Act receives Royal Assent.

Short title

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1955*.

SECTION 4. The reference is brought up to date.

BILL

An Act to amend The Loan and Trust
Corporations Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

MR. PORTER

(Reprinted as amended by the Committee
of the Whole House)

No. 50

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Loan and Trust Corporations Act

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BILL

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Loan and Trust Corporations Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 214,
amended

103a.—(1) Without limiting the powers that a registered loan corporation or loaning land corporation has under section 95, any such corporation may, for the purpose of acquiring the assets of any other loan corporation or loaning land corporation in Canada pursuant to sections 95 to 103, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following: Acquisition
by loan
corporation
of another
loan cor-
poration by
purchase of
shares

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,
 - (i) an offer to purchase has been accepted by the holders of at least 67 per cent of the outstanding shares of such other corporation, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and
 - (ii) the purchase has been approved by at least a three-fourths vote of such shares

as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing corporation.

3. The power to purchase shares under this section is in addition to the powers set forth in section 133, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.

4. Where a corporation has purchased shares under this section, it shall, under the provisions of sections 95 to 103, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister and the Registrar may direct the corporation to sell or otherwise absolutely dispose of the shares.

Consideration for shares

(2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing corporation or in part cash and in part shares of the purchasing corporation or such other consideration as may be agreed upon.

No power to purchase own shares

(3) Nothing in this section shall be construed as authorizing a corporation to purchase or acquire its own shares.

Allotment rights not to apply

(4) Any provisions in any letters patent or special Act by which a purchasing corporation was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply to the issue of any shares by the purchasing corporation for the purpose of subsection 2.

104a.—(1) Without limiting the powers a registered trust company has under section 104, any such company may, for the purpose of acquiring the assets of any corporation in Canada pursuant to section 104, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

Acquisition
by trust
company of
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purchase of
shares

1. No such purchase shall be made unless authorized by the Lieutenant-Governor in Council.
2. The Lieutenant-Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,
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 - (ii) the purchase has been approved by at least a three-fourths vote of such shares as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least 50 per cent of the issued capital stock of the purchasing company.
3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 134, and the limitations and provisos contained in section 136 do not apply to any such purchase of shares.
4. Where a company has purchased shares under this section, it shall, under the provisions of section 104, acquire the assets and assume the duties, obligations and liabilities of the other corporation within a period of two years after the purchase has been authorized by the Lieutenant-Governor in Council, but on being

satisfied that the circumstances so warrant the Lieutenant-Governor in Council may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Registrar for the Minister and the Registrar may direct the company to sell or otherwise absolutely dispose of the shares.

Consideration

- (2) The consideration for the shares acquired under the authority of this section may be cash or shares in the capital stock of the purchasing company or in part cash and in part shares of such purchasing company or such other consideration as may be agreed upon.

No power to purchase own shares

- (3) Nothing in this section shall be construed as authorizing a company to purchase or acquire its own shares.

Allotment rights not to apply

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Rev. Stat.,
c. 214, s. 133,
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2.—(1) Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by adding thereto the following clause:

bonds, etc.,
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1945 (2nd
Sess.), c. 11
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- (bb) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America.

Rev. Stat.,
c. 214, s. 133,
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amended

- (2) Subsection 1 of the said section 133 is further amended by striking out the word "or" at the end of clause *h*, by adding the word "or" at the end of clause *i* and by adding thereto the following clause:

- (j) real estate in Canada for the production of income, real estate for production of income
either alone or jointly with any other corporation,
- (i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,
 - (ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and
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amended by adding thereto the following subsection:

- (1a) The total book value of the investments of a Real estate for production of income
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one parcel of such real estate by a company shall not exceed one-half of 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Rev. Stat.,
c. 214, s. 152,
amended

4. Section 152 of *The Loan and Trust Corporations Act* is amended by striking out the words "Part XIV of *The Companies Act*" in the second line and inserting in lieu thereof the words "Part VII of *The Corporations Act, 1953*", so that the section shall read as follows:

Application
of certain
sections of
1953, c. 19

152. Except where the provisions of this Act are inconsistent, Part VII of *The Corporations Act, 1953* shall apply, substituting for the words "Provincial Secretary" the word "Registrar".

Commence-
ment

5. Subsection 1 of section 2 comes into force on the day this Act receives Royal Assent.

Short title

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1955*.



BILL

An Act to amend The Loan and Trust
Corporations Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 14th, 1955

MR. PORTER

No. 51

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mechanics' Lien Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The address at which the notice must be given is made more specific in order to give greater protection to those concerned. The problem is created by the fact that most loaning corporations to-day have many branches in Ontario and notice to one branch cannot be said to be effective notice to the particular branch directly concerned in the transaction.

The amendment is recommended by the Commercial Law Section (Ontario) of The Canadian Bar Association.

No. 51

1955

BILL

An Act to amend The Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 13, subs. 1, amended is amended by inserting after the word "lien" in the sixth line the words "has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act*", so that the subsection shall read as follows:

- (1) The lien shall have priority over all judgments, Priority of lien executions, assignments, attachments, garnishments, and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act* Rev. Stat., c. 336 to the person making such payments or after registration of a claim for the lien as hereinafter provided, and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien.

2. This Act may be cited as *The Mechanics' Lien Amend-* Short title
ment Act, 1955.

BILL

An Act to amend 'The Mechanics'
Lien Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

Mr. PORTER

No. 51

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mechanics' Lien Act

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 51

1955

BILL

An Act to amend *The Mechanics' Lien Act*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Mechanics' Lien Act* Rev. Stat., c. 227, s. 13, subs. 1, amended is amended by inserting after the word "lien" in the sixth line the words "has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act*", so that the subsection shall read as follows:

- (1) The lien shall have priority over all judgments, Priority of lien executions, assignments, attachments, garnishments, and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien has been given at the address endorsed on such conveyance or mortgage pursuant to section 45 of *The Registry Act* to Rev. Stat., c. 336 the person making such payments or after registration of a claim for the lien as hereinafter provided, and in the absence of such notice in writing or the registration of a claim for lien all such payments or advances shall have priority over any such lien.

2. This Act may be cited as *The Mechanics' Lien Amendment Act, 1955*. Short title

BILL

An Act to amend 'The Mechanics'
Lien Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 14th, 1955

MR. PORTER

No. 52

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Crown Attorneys Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. A number of sections of the new *Criminal Code* state that certain things may be done "by the Attorney-General or his agent". This new section is complementary.

SECTION 2. Office accommodation, etc., for the Crown Attorney of the City of Toronto and the County of York is being dealt with in an amendment to section 161 of *The Municipality of Metropolitan Toronto Act, 1953*. This subsection which heretofore has dealt with this matter is therefore repealed.

No. 52

1955

BILL

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Attorneys Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 81,
amended

9a. Every Crown attorney is the agent of the Attorney-General for the purposes of the *Criminal Code* (Canada).

Attorney-
General's
agent
1953-54,
c. 51 (Can.)

2. Subsection 2 of section 14 of *The Crown Attorneys Act* is repealed.

Rev. Stat.,
c. 81, s. 14,
subs. 2,
repealed

3. This Act comes into force on the 1st day of April, 1955.

Commence-
ment

4. This Act may be cited as *The Crown Attorney Amendment Act, 1955*.

Short title

BILL

An Act to amend The Crown
Attorneys Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 52

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Crown Attorneys Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 52

1955

BILL

An Act to amend The Crown Attorneys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Attorneys Act* is amended by adding thereto the following section: Rev. Stat.,
c. 81,
amended

9a. Every Crown attorney is the agent of the Attorney-General for the purposes of the *Criminal Code* Attorney-
General's
agent
1953-54,
c. 51 (Can.)
(Canada).

2. Subsection 2 of section 14 of *The Crown Attorneys Act* is repealed. Rev. Stat.,
c. 81, s. 14,
subs. 2,
repealed

3. This Act comes into force on the 1st day of April, 1955. Commence-
ment

4. This Act may be cited as *The Crown Attorney Amendment Act, 1955*. Short title

BILL

An Act to amend The Crown
Attorneys Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 14th, 1955

MR. PORTER

No. 53

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The County Courts Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Section 12 of *The County Courts Act* is brought up to date by the incorporation into it of the changes recently made by way of the regulations.

Owing to the number of changes made in the section in recent years, it is re-enacted in its entirety.

No. 53

1955

BILL

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The County Courts Act*, as amended by section 2 of *The County Courts Amendment Act, 1952*, section 1 of *The County Courts Amendment Act, 1953* and regulation 1 of Ontario Regulations 166/54, is repealed and the following substituted therefor:

- 12.—(1) Except where otherwise provided, in each year the sittings of the county courts for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and December and without a jury on the first Monday in April and October.
- (2) In each year the sittings of the county court of the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October.
- (3) In each year the sittings of the county court of the county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December.
- (4) In each year the sittings of the county court of the county of Essex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in April and the third Monday in November and without a jury on the third Monday in February and the first Monday in June and October.

- Lincoln (5) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October.
- Middlesex (6) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.
- Simcoe (7) In each year the sittings of the county court of the county of Simcoe for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the third Monday in October and without a jury on the first Monday in April and October.
- Wentworth (8) In each year the sittings of the county court of the county of Wentworth for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December and March and the second Monday in May and September.
- York (9) In each year the sittings of the county court of the county of York for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December, March and May and the second Monday in September.
- Postpone-
ment of
sittings (10) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.
- Notice of
postpone-
ment (11) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Short title **2.** This Act may be cited as *The County Courts Amendment Act, 1955*.

BILL

An Act to amend The County
Courts Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 53

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The County Courts Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The County Courts Act*, as amended by section 2 of *The County Courts Amendment Act, 1952*, section 1 of *The County Courts Amendment Act, 1953* and regulation 1 of Ontario Regulations 166/54, is repealed and the following substituted therefor:

- 12.—(1) Except where otherwise provided, in each year the sittings of the county courts for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and December and without a jury on the first Monday in April and October.
- (2) In each year the sittings of the county court of the county of Frontenac, Grey, Hastings, Kent, Ontario, Peterborough, Waterloo, and Welland for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in June and the third Monday in November and without a jury on the first Monday in April and October.
- (3) In each year the sittings of the county court of the county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December.
- (4) In each year the sittings of the county court of the county of Essex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in April and the third Monday in November and without a jury on the third Monday in February and the first Monday in June and October.

- Lincoln (5) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October.
- Middlesex (6) In each year the sittings of the county court of the county of Middlesex for the trial of issues of fact and assessments of damages shall commence with or without a jury on the second Monday in May and November and without a jury on the first Monday in April and October.
- Simcoe (7) In each year the sittings of the county court of the county of Simcoe for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the third Monday in October and without a jury on the first Monday in April and October.
- Wentworth (8) In each year the sittings of the county court of the county of Wentworth for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December and March and the second Monday in May and September.
- York (9) In each year the sittings of the county court of the county of York for the trial of issues of fact and assessments of damages with or without a jury shall commence on the first Monday in December, March and May and the second Monday in September.
- Postponement of sittings (10) The judge of a county court may postpone the date of any sittings of the court if the postponement does not in his opinion conflict or interfere with the sittings of the Supreme Court in such county.
- Notice of postponement (11) Where any such sittings is so postponed, notice of the postponement and of the date upon which such sittings is to commence shall be posted in the office of the county court clerk not later than sixty days before the commencement of the postponed sittings.

Short title

2. This Act may be cited as *The County Courts Amendment Act, 1955.*

BILL

An Act to amend The County
Courts Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 14th, 1955

MR. PORTER

No. 54

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to reconstitute The Ontario Society for the
Prevention of Cruelty to Animals**

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Ontario Society for the Prevention of Cruelty to Animals has functioned since 1919 under a constitution provided for in an Act passed in that year.

The Society is now reconstituted in a manner that will enable it and its affiliated local societies to function more effectively.

Section 10, which is new, is designed to prevent unaffiliated organizations becoming established in the future. It does not interfere with any organization now in existence.

None of the other sections contain any substantial changes in principle from the principles of the present Act.

BILL

An Act to reconstitute The Ontario Society for the Prevention of Cruelty to Animals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "animals" includes domestic fowl and birds ^{Interpre-}
kept as pets. ^{tation}
2. The Ontario Society for the Prevention of Cruelty to ^{Society}
Animals, a body politic and corporate incorporated by *An continued*
Act to Incorporate the Ontario Society for the Prevention of ^{1919, c. 124}
Cruelty to Animals, being chapter 124 of the Statutes of
Ontario, 1919, is continued.
3. The object of the Society is to facilitate and provide for ^{Object}
the prevention of cruelty to animals and their protection and
relief therefrom.
4. The Society shall consist of class A members, being ^{Membership}
affiliated societies, class B members, being individual members,
and class C members, being honorary members, and each class
shall have such rights and obligations as the by-laws of the
Society prescribe.
5. The affairs of the Society shall be controlled and managed ^{Board of}
by a board of directors and by an executive committee, both ^{directors;}
of which shall be composed and have such powers and duties ^{executive}
as the by-laws of the Society prescribe. ^{committee}
6. The Society shall have such officers with such powers ^{Officers}
and duties as the by-laws of the Society prescribe.
- 7.—(1) The Society may pass such by-laws, not contrary ^{By-laws,}
to law, as it deems necessary for the control and management
of its affairs and the carrying out of its object.
- (2) No by-law of the Society shall be valid or acted upon ^{approval}
until it has been approved by a majority of the votes cast in
accordance with the by-laws of the Society at an annual or
special general meeting.

annulment (3) The Lieutenant-Governor in Council may annul any by-law of the Society.

Powers **8. The Society,**

- (a) may acquire and hold as purchasers, donees, devisees or legatees, or in any other capacity, any interest in real estate;
- (b) may accept, receive and hold gifts, bequests or subscriptions of personal estate;
- (c) may grant, lease, bargain for, mortgage, sell, assign or otherwise dispose of any of its real or personal estate;
- (d) may erect, construct, equip and maintain such buildings and works as it deems advisable for its purposes; and
- (e) may do all such other matters and things as it deems advisable for carrying out its object.

Exemption of property from taxation **9.** The lands and buildings of the Society shall be exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of the Society.

Prohibition **10.** No society, association or group of individuals, whether incorporated or unincorporated, that is established after this Act comes into force shall profess to function as a society having for its object the welfare of or the prevention of cruelty to animals unless it is incorporated and becomes affiliated with the Society in accordance with the by-laws of the Society.

Inspectors and agents to have powers of constable **11.—(1)** For the purposes of the enforcement of this or any other Act or law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society shall have and may exercise any of the powers of a police officer.

Inspectors and agents of affiliates (2) Every inspector and agent of an affiliated society who has been approved by the Society may exercise any of the powers of an inspector or agent of the Society under this Act.

Local police powers (3) In any part of Ontario in which the Society or an affiliated society does not function, any police officer having jurisdiction in that part shall have and may exercise any of the powers of an inspector or agent of the Society under this Act.

12.—(1) If there is reasonable ground for believing that an animal has been confined in any place without necessary food, water and attention for more than fifteen consecutive hours, an inspector or agent of the Society may open and enter the building in which the animal is confined and may supply it with necessary food, water and attention as long as it remains there without such necessities, or, if he deems it advisable, may remove the animal. ^{Power to supply necessities to confined animals}

(2) The inspector or agent shall forthwith after an entry or removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. ^{Notice}

(3) The inspector or agent shall not be liable for any entry or removal under subsection 1, and may recover from the owner or custodian of the animal the amount of the expenses incurred by him in supplying food, water and attention. ^{No liability; expenses}

13.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may at any time force an entrance into the building, structure, enclosure, car, vehicle, aircraft or vessel in which the animal is, and remove it therefrom. ^{Power to enter premises, etc.}

(2) The inspector or agent shall forthwith after an entry and removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. ^{Notice}

14.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may take possession of it in any place for the purpose of having it examined by a veterinary surgeon. ^{Taking possession of animals}

(2) The inspector or agent shall forthwith after taking possession of an animal notify its owner or custodian, if known, of the time and place of the examination. ^{Notice}

(3) If in the opinion of the veterinary surgeon the animal has been ill-treated or neglected, the inspector or agent, with or without the consent of the owner or custodian of the animal, may, with the approval of the veterinary surgeon, forthwith destroy it or may place it under proper care and treatment and keep it under such care and treatment for a period of not more than thirty days during which time the owner or custodian shall have access to and use of the animal with the approval of the veterinary surgeon. ^{Destruction and treatment of animals}

(4) If an inspector or agent who has taken possession of an animal under this section is unable to arrange for its examination by a veterinary surgeon, he may, with the consent of the owner or custodian of the animal, forthwith destroy it or place it under such care and treatment as is available. ^{Idem}

Liability of
owner for
expenses

(5) The owner or custodian of any such animal shall be liable for its food, care and treatment and the Society shall have a lien on it therefor.

Power to
sell

(6) If the owner or custodian of the animal refuses to pay for such food, care and treatment within five days after being notified, or if the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

1919, c. 124,
repealed

15.—(1) *An Act to Incorporate the Ontario Society for the Prevention of Cruelty to Animals*, being chapter 124 of the Statutes of Ontario, 1919, is repealed.

Continuation
of Society

(2) Until the Society is reconstituted under this Act and a by-law is passed to that effect, it may, notwithstanding the repeal of the Act mentioned in subsection 1, continue to operate as if that Act had not been repealed.

Short title

16. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*.

BILL

An Act to reconstitute The Ontario Society
for the Prevention of Cruelty to
Animals

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 54

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to reconstitute The Ontario Society for the
Prevention of Cruelty to Animals**

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 54

1955

BILL

An Act to reconstitute The Ontario Society for the Prevention of Cruelty to Animals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "animals" includes domestic fowl and birds ^{Interpre-}
kept as pets. ^{tation}
2. The Ontario Society for the Prevention of Cruelty to ^{Society}
Animals, a body politic and corporate incorporated by *An continued*
Act to Incorporate the Ontario Society for the Prevention of 1919, c. 124
Cruelty to Animals, being chapter 124 of the Statutes of
Ontario, 1919, is continued.
3. The object of the Society is to facilitate and provide for ^{Object}
the prevention of cruelty to animals and their protection and
relief therefrom.
4. The Society shall consist of class A members, being ^{Membership}
affiliated societies, class B members, being individual members,
and class C members, being honorary members, and each class
shall have such rights and obligations as the by-laws of the
Society prescribe.
5. The affairs of the Society shall be controlled and managed ^{Board of}
by a board of directors and by an executive committee, both ^{directors;}
of which shall be composed and have such powers and duties ^{executive}
as the by-laws of the Society prescribe. ^{committee}
6. The Society shall have such officers with such powers ^{Officers}
and duties as the by-laws of the Society prescribe.
- 7.—(1) The Society may pass such by-laws, not contrary ^{By-laws,}
to law, as it deems necessary for the control and management
of its affairs and the carrying out of its object.
- (2) No by-law of the Society shall be valid or acted upon ^{approval}
until it has been approved by a majority of the votes cast in
accordance with the by-laws of the Society at an annual or
special general meeting.

annulment (3) The Lieutenant-Governor in Council may annul any by-law of the Society.

Powers **8.** The Society,

- (a) may acquire and hold as purchasers, donees, devisees or legatees, or in any other capacity, any interest in real estate;
- (b) may accept, receive and hold gifts, bequests or subscriptions of personal estate;
- (c) may grant, lease, bargain for, mortgage, sell, assign or otherwise dispose of any of its real or personal estate;
- (d) may erect, construct, equip and maintain such buildings and works as it deems advisable for its purposes; and
- (e) may do all such other matters and things as it deems advisable for carrying out its object.

Exemption
of property
from tax-
ation

9. The lands and buildings of the Society shall be exempt from taxation except for local improvements and school purposes so long as they are held, used and occupied for the purposes of the Society.

Prohibition

10. No society, association or group of individuals, whether incorporated or unincorporated, that is established after this Act comes into force shall profess to function as a society having for its object the welfare of or the prevention of cruelty to animals unless it is incorporated and becomes affiliated with the Society in accordance with the by-laws of the Society.

Inspectors
and agents
to have
powers of
constable

11.—(1) For the purposes of the enforcement of this or any other Act or law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society shall have and may exercise any of the powers of a police officer.

Inspectors
and agents
of affiliates

(2) Every inspector and agent of an affiliated society who has been approved by the Society may exercise any of the powers of an inspector or agent of the Society under this Act.

Local police
powers

(3) In any part of Ontario in which the Society or an affiliated society does not function, any police officer having jurisdiction in that part shall have and may exercise any of the powers of an inspector or agent of the Society under this Act.

12.—(1) If there is reasonable ground for believing that an animal has been confined in any place without necessary food, water and attention for more than fifteen consecutive hours, an inspector or agent of the Society may open and enter the building in which the animal is confined and may supply it with necessary food, water and attention as long as it remains there without such necessities, or, if he deems it advisable, may remove the animal. Power to supply necessities to confined animals

(2) The inspector or agent shall forthwith after an entry or removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. Notice

(3) The inspector or agent shall not be liable for any entry or removal under subsection 1, and may recover from the owner or custodian of the animal the amount of the expenses incurred by him in supplying food, water and attention. No liability; expenses

13.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may at any time force an entrance into the building, structure, enclosure, car, vehicle, aircraft or vessel in which the animal is, and remove it therefrom. Power to enter premises, etc.

(2) The inspector or agent shall forthwith after an entry and removal under subsection 1, notify the owner or custodian of the animal, if known, of his action. Notice

14.—(1) If there is reasonable ground for believing that an animal is being ill-treated or neglected, an inspector or agent of the Society may take possession of it in any place for the purpose of having it examined by a veterinary surgeon. Taking possession of animals

(2) The inspector or agent shall forthwith after taking possession of an animal notify its owner or custodian, if known, of the time and place of the examination. Notice

(3) If in the opinion of the veterinary surgeon the animal has been ill-treated or neglected, the inspector or agent, with or without the consent of the owner or custodian of the animal, may, with the approval of the veterinary surgeon, forthwith destroy it or may place it under proper care and treatment and keep it under such care and treatment for a period of not more than thirty days during which time the owner or custodian shall have access to and use of the animal with the approval of the veterinary surgeon. Destruction and treatment of animals

(4) If an inspector or agent who has taken possession of an animal under this section is unable to arrange for its examination by a veterinary surgeon, he may, with the consent of the owner or custodian of the animal, forthwith destroy it or place it under such care and treatment as is available. Idem

Liability of
owner for
expenses

(5) The owner or custodian of any such animal shall be liable for its food, care and treatment and the Society shall have a lien on it therefor.

Power to
sell

(6) If the owner or custodian of the animal refuses to pay for such food, care and treatment within five days after being notified, or if the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

1919, c. 124,
repealed

15.—(1) *An Act to Incorporate the Ontario Society for the Prevention of Cruelty to Animals*, being chapter 124 of the Statutes of Ontario, 1919, is repealed.

Continuation
of Society

(2) Until the Society is reconstituted under this Act and a by-law is passed to that effect, it may, notwithstanding the repeal of the Act mentioned in subsection 1, continue to operate as if that Act had not been repealed.

Short title

16. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*.

BILL

An Act to reconstitute The Ontario Society
for the Prevention of Cruelty to
Animals

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 4th, 1955

Mr. PORTER

No. 55

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The effect of the change is to enable licences, permits, etc., issued by the Board, to be signed by one member of the Board rather than two.

SECTION 2. This new power is complementary to regulation 14 and will enable the Board to make orders controlling and regulating the matters specified.

SECTION 3. Self-explanatory.

No. 55

1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Fuel Board Act, 1954* is ^{1954, c. 63, s. 11, re-enacted} repealed and the following substituted therefor:
 11. Every order and certificate made by the Board is ^{Execution of documents} effective if signed by two members of the Board, one of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.
2. Section 14 of *The Ontario Fuel Board Act, 1954* is ^{1954, c. 63, s. 14, amended} amended by adding thereto the following subsection:
 - (2) The Board may control and regulate the re- ^{Repressuring or flooding of wells} pressuring, the maintenance of pressure in, or the flooding of an oil or natural gas horizon of a well by the injection of oil, gas, water or other substance and may make orders with respect thereto.
3. Subsection 3 of section 16 of *The Ontario Fuel Board Act, 1954* is ^{1954, c. 63, s. 16, subs. 3, amended} amended by adding at the end thereof the words "but the Board may, without a hearing and without consent, make an order under subsection 1 effective for a period of not more than one year pending the final disposition of the application thereunder", so that the subsection shall read as follows:
 - (3) No order shall be made under subsection 1 without ^{Hearing} a hearing unless the municipality or other interested party and the distributor concerned consent thereto, but the Board may, without a hearing and without consent, make an order under subsection 1 effective for a period of not more than one year pending the final disposition of the application thereunder.

1954,
c. 63, s. 30,
re-enacted

4. Section 30 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

Where
licences
required

30. No person shall,

- (a) acquire oil or natural gas rights; or
- (b) prospect for, or bore or drill for, or produce, oil or natural gas; or
- (c) store, transmit or distribute natural gas,

unless he is the holder of a licence for such purpose.

1954, c. 63,
s. 35, cl. b,
re-enacted

5.—(1) Clause *b* of section 35 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

- (b) regulating and controlling the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof.

1954, c. 63,
s. 35, cl. m,
re-enacted

(2) Clause *m* of the said section 35 is repealed and the following substituted therefor:

- (m) providing for the issue of licences to acquire oil or natural gas rights, or to prospect for, bore or drill for or produce oil or natural gas, or to store, transmit or distribute natural gas.

1954,
c. 63, s. 35,
amended

(3) The said section 35 is amended by adding thereto the following subsections:

Installation
code

- (2) Any regulation made under clause *b* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, the code of standards adopted, sponsored or made by the Canadian Gas Association, the American Gas Association or the American Standards Association with respect to the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof, and may require compliance with any such code that is so adopted.

Idem

- (3) If a code referred to in subsection 2 is adopted, the Board may exercise, or delegate to any person, any power of approval given to any person or authority by the code.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

SECTION 4. The production of oil and the storing of natural gas are added to the matters that can be dealt with only under licence.

SECTION 5—Subsection 1. The scope of the clause is enlarged.

Subsection 2. The clause is brought into line with section 30 of the Act as re-enacted by section 4 of the bill.

Subsection 3. These new subsections are designed to enable the Board to effectively control the installation, etc., of gas appliances in accordance with accepted standards.

(2) Section 5 shall be deemed to have come into force ^{Idem} on the 15th day of February, 1955.

7. This Act may be cited as *The Ontario Fuel Board Amend- Short title ment Act, 1955.*

BILL

An Act to amend The Ontario
Fuel Board Act, 1954

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 55

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

MR. PORTER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The effect of the change is to enable licences, permits, etc., issued by the Board, to be signed by one member of the Board rather than two.

SECTION 2. This new power is complementary to regulation 14 and will enable the Board to make orders controlling and regulating the matters specified.

SECTION 3. Self-explanatory.

No. 55

1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Fuel Board Act, 1954* is ^{1954,} repealed and the following substituted therefor: ^{c. 63, s. 11,} ^{re-enacted}
 11. Every order and certificate made by the Board is ^{Execution} effective if signed by two members of the Board, one ^{of documents} of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.
2. Section 14 of *The Ontario Fuel Board Act, 1954* is ^{1954,} amended by adding thereto the following subsection: ^{c. 63, s. 14,} ^{amended}
 - (2) The Board may control and regulate the re- ^{Repressuring} pressuring, the maintenance of pressure in, or the ^{or flooding} flooding of an oil or natural gas horizon by the injection of oil, gas, water or other substance and may make orders with respect thereto.
3. Subsection 3 of section 16 of *The Ontario Fuel Board Act, 1954* is ^{1954,} amended by adding at the end thereof the words ^{c. 63, s. 16,} ^{subs. 3,} ^{amended} "but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder", so that the subsection shall read as follows:
 - (3) No order shall be made under subsection 1 without ^{Hearing} a hearing unless the municipality or other interested party and the distributor concerned consent thereto, but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder.

1954,
c. 63, s. 30,
re-enacted

4. Section 30 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

Where
licences
required

30. No person shall,

- (a) acquire oil or natural gas rights; or
- (b) prospect for, or bore or drill for, or produce, oil or natural gas; or
- (c) store, transmit or distribute natural gas,

unless he is the holder of a licence for such purpose.

1954, c. 63,
s. 35, cl. b,
re-enacted

5.—(1) Clause *b* of section 35 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

- (b) regulating and controlling the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof.

1954, c. 63,
s. 35, cl. m,
re-enacted

(2) Clause *m* of the said section 35 is repealed and the following substituted therefor:

- (*m*) providing for the issue of licences to acquire oil or natural gas rights, or to prospect for, bore or drill for or produce oil or natural gas, or to store, transmit or distribute natural gas.

1954,
c. 63, s. 35,
amended

(3) The said section 35 is amended by adding thereto the following subsections:

Install-
ation code

- (2) Any regulation made under clause *b* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, the code of standards adopted, sponsored or made by the Canadian Gas Association, the American Gas Association or the American Standards Association with respect to the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof, and may require compliance with any such code that is so adopted.

Idem

- (3) If a code referred to in subsection 2 is adopted, the Board may exercise, or delegate to any person, any power of approval given to any person or authority by the code.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

SECTION 4. The production of oil and the storing of natural gas are added to the matters that can be dealt with only under licence.

SECTION 5—Subsection 1. The scope of the clause is enlarged.

Subsection 2. The clause is brought into line with section 30 of the Act as re-enacted by section 4 of the bill.

Subsection 3. These new subsections are designed to enable the Board to effectively control the installation, etc., of gas appliances in accordance with accepted standards.

(2) Section 5 shall be deemed to have come into force *Idem* on the 15th day of February, 1955.

7. This Act may be cited as *The Ontario Fuel Board Amendment Act, 1955*. Short title

BILL

An Act to amend The Ontario
Fuel Board Act, 1954

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

MR. PORTER

*(Reprinted as amended by the Committee
of the Whole House)*

No. 55

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 55

1955

BILL

An Act to amend The Ontario Fuel Board Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Fuel Board Act, 1954* is ^{1954,} repealed and the following substituted therefor: ^{c. 63, s. 11,} ^{re-enacted}

11. Every order and certificate made by the Board is ^{Execution} effective if signed by two members of the Board, one ^{of documents} of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.

2. Section 14 of *The Ontario Fuel Board Act, 1954* is ^{1954,} amended by adding thereto the following subsection: ^{c. 63, s. 14,} ^{amended}

(2) The Board may control and regulate the re-^{Repressuring} ^{or flooding} pressuring, the maintenance of pressure in, or the flooding of an oil or natural gas horizon by the injection of oil, gas, water or other substance and may make orders with respect thereto.

3. Subsection 3 of section 16 of *The Ontario Fuel Board Act, 1954* is amended by adding at the end thereof the words ^{1954,} ^{c. 63, s. 16,} ^{subs. 3,} ^{amended} "but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder", so that the subsection shall read as follows:

(3) No order shall be made under subsection 1 without ^{Hearing} a hearing unless the municipality or other interested party and the distributor concerned consent thereto, but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder.

1954,
c. 63, s. 30,
re-enacted

4. Section 30 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

Where
licences
required

30. No person shall,

- (a) acquire oil or natural gas rights; or
- (b) prospect for, or bore or drill for, or produce, oil or natural gas; or
- (c) store, transmit or distribute natural gas,

unless he is the holder of a licence for such purpose.

1954, c. 63,
s. 35, cl. b,
re-enacted

5.—(1) Clause *b* of section 35 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

- (b) regulating and controlling the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof.

1954, c. 63,
s. 35, cl. m,
re-enacted

(2) Clause *m* of the said section 35 is repealed and the following substituted therefor:

- (m) providing for the issue of licences to acquire oil or natural gas rights, or to prospect for, bore or drill for or produce oil or natural gas, or to store, transmit or distribute natural gas.

1954,
c. 63, s. 35,
amended

(3) The said section 35 is amended by adding thereto the following subsections:

Install-
ation
code

- (2) Any regulation made under clause *b* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, the code of standards adopted, sponsored or made by the Canadian Gas Association, the American Gas Association or the American Standards Association with respect to the types, construction, installation, repair, replacement, use or removal of appliances for the use of natural gas and the piping, fittings and venting thereof, and may require compliance with any such code that is so adopted.

Idem

- (3) If a code referred to in subsection 2 is adopted, the Board may exercise, or delegate to any person, any power of approval given to any person or authority by the code.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

(2) Section 5 shall be deemed to have come into force *Idem* on the 15th day of February, 1955.

7. This Act may be cited as *The Ontario Fuel Board Amendment Act, 1955*. Short title

BILL

An Act to amend The Ontario
Fuel Board Act, 1954

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 8th, 1955

MR. PORTER

No. 56

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Franchises Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition is brought up to date.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. The subsections repealed dealt with appeals which are now dealt with in the new section 10 of the Act—see section 5 of the bill.

SECTION 5. Section 9 of the Act is re-enacted. It contains one new principle, namely, the Ontario Fuel Board is authorized to dispense with the assent of the electors on gas franchise by-laws. This power is similar to that exercised heretofore by the Ontario Municipal Board.

No. 56

1955

BILL

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Municipal Franchises Act* Rev. Stat., c. 249, s. 1, cl. *b*, re-enacted is repealed and the following substituted therefor:

- (*b*) "gas" means natural gas, manufactured gas, propane, butane or any other hydro-carbon, and includes any mixture of natural gas, manufactured gas, propane, butane or other hydro-carbon, but does not include a hydro-carbon that is distributed by a means other than a pipe line.

2. Section 4 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 4, amended by adding thereto the following subsection:

- (2) Where the franchise referred to in subsection 1 is a Gas franchises gas franchise, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of this section.

3. Section 6 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 6, amended by adding thereto the following subsection:

- (2) Where the by-law within the meaning of clause *c* Gas franchises of subsection 1 is a gas franchise by-law, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of the clause.

4. Subsections 4, 5, 6 and 7 of section 8 of *The Municipal Franchises Act*, as amended by subsections 3, 4, 5 and 6 of section 2 of *The Municipal Franchises Amendment Act, 1954*, Rev. Stat., c. 249, s. 8, subss. 4, 5, 6, 7, repealed are repealed.

5. Section 9 of *The Municipal Franchises Act*, as enacted Rev. Stat., c. 249, s. 9 (1954, c. 60, s. 3), re-enacted by section 3 of *The Municipal Franchises Amendment Act, 1954*, is repealed and the following substituted therefor:

Gas
franchise
by-law
to be
approved
by Fuel
Board

9.—(1) No by-law granting,

- (a) the right to construct or operate works for the distribution of gas;
- (b) the right to supply gas to a municipal corporation or to the inhabitants of a municipality;
- (c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;
- (d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

Jurisdiction
of Fuel
Board

- (2) The Ontario Fuel Board has and may exercise jurisdiction and power necessary for the purposes of this section and may give or refuse its approval.

Hearing to
be held

- (3) The Ontario Fuel Board shall not make an order granting its approval under this section until after the Board has held a public hearing to deal with the matter upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct.

Electors'
assent may
be dispensed
with

- (4) Notwithstanding section 3, the Board, after due inquiry and if satisfied that the assent of the municipal electors can properly under all the circumstances be dispensed with, may in any order made under this section declare and direct that the assent of the electors is not necessary.

Appeal

10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice in the Supreme Court apply to any such appeal.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Municipal Franchises Amendment Act, 1955*.

BILL

An Act to amend The Municipal
Franchises Act

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 56

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Franchises Act

MR. PORTER

(Reprinted as amended by the Committee on Municipal Law)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition is brought up to date.

SECTION 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTION 4. The subsections repealed dealt with appeals which are now dealt with in the new section 10 of the Act—see section 5 of the bill.

SECTION 5. Section 9 of the Act is re-enacted. It contains one new principle, namely, the Ontario Fuel Board is authorized to dispense with the assent of the electors on gas franchise by-laws. This power is similar to that exercised heretofore by the Ontario Municipal Board.

No. 56

1955

BILL

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Municipal Franchises Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 249, s. 1,
cl. *b*, re-
enacted

(*b*) "gas" means natural gas, manufactured gas or any liquified petroleum gas, and includes any mixture of natural gas, manufactured gas or liquified petroleum gas, but does not include a liquified petroleum gas that is distributed by a means other than a pipe line.

2. Section 4 of *The Municipal Franchises Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 249, s. 4,
amended

(2) Where the franchise referred to in subsection 1 is a gas franchise, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of this section. Gas
franchises

3. Section 6 of *The Municipal Franchises Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 249, s. 6,
amended

(2) Where the by-law within the meaning of clause *c* of subsection 1 is a gas franchise by-law, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of the clause. Gas
franchises

4. Subsections 4, 5, 6 and 7 of section 8 of *The Municipal Franchises Act*, as amended by subsections 3, 4, 5 and 6 of section 2 of *The Municipal Franchises Amendment Act, 1954*, are repealed. Rev. Stat.,
c. 249, s. 8,
subss. 4, 5,
6, 7, repealed

5. Section 9 of *The Municipal Franchises Act*, as enacted by section 3 of *The Municipal Franchises Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat.,
c. 249, s. 9
(1954,
c. 60, s. 3),
re-enacted

Gas
franchise
by-law
to be
approved
by Fuel
Board

9.—(1) No by-law granting,

- (a) the right to construct or operate works for the distribution of gas;
- (b) the right to supply gas to a municipal corporation or to the inhabitants of a municipality;
- (c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;
- (d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

Jurisdiction
of Fuel
Board

- (2) The Ontario Fuel Board has and may exercise jurisdiction and power necessary for the purposes of this section and may give or refuse its approval.

Hearing to
be held

- (3) The Ontario Fuel Board shall not make an order granting its approval under this section until after the Board has held a public hearing to deal with the matter upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct.

Electors'
assent may
be dispensed
with

- (4) The Board, after holding a public hearing upon such notice as the Board may direct and if satisfied that the assent of the municipal electors can properly under all the circumstances be dispensed with, may in any order made under this section declare and direct that the assent of the electors is not necessary.

Appeal

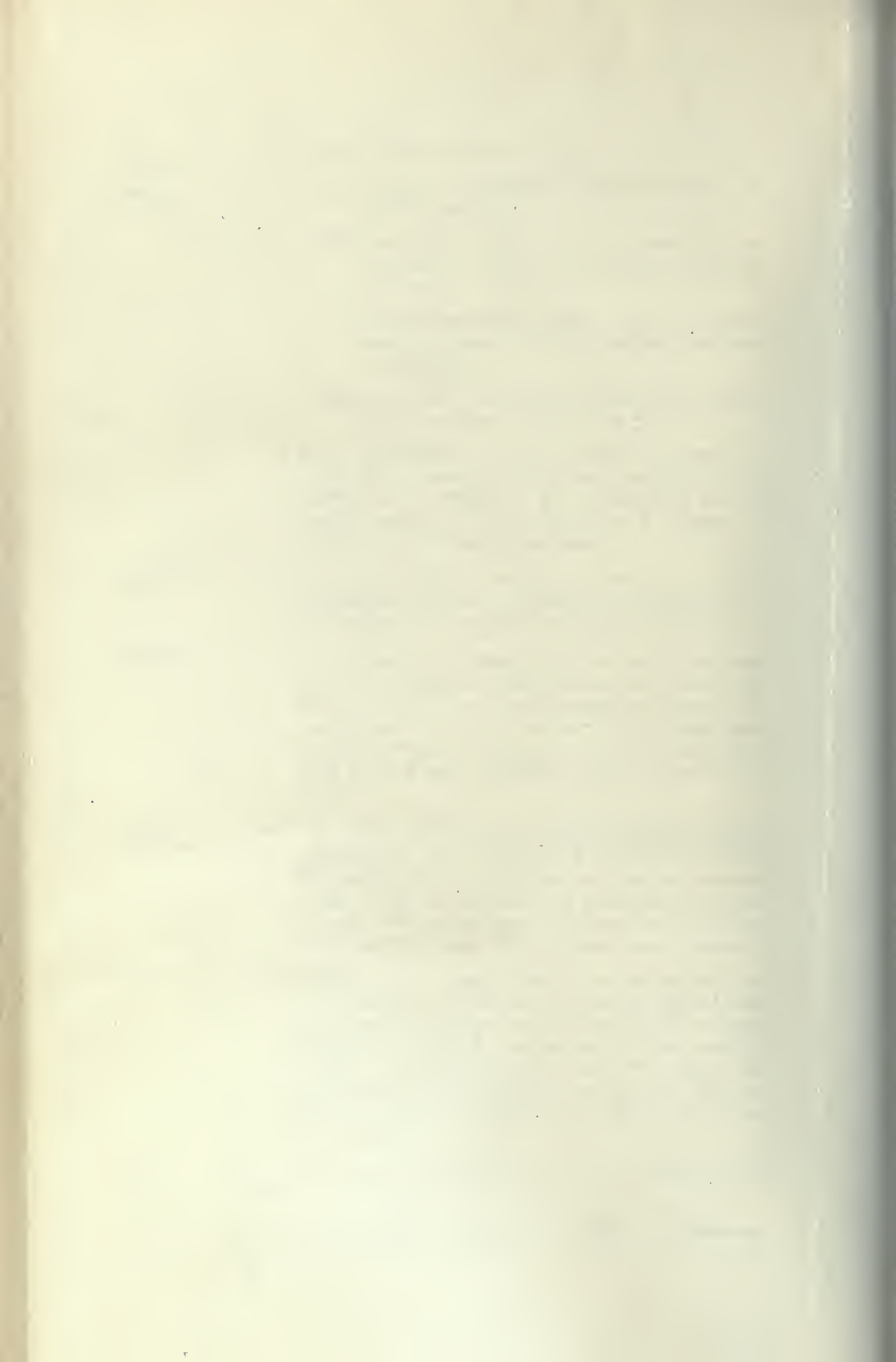
10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice in the Supreme Court apply to any such appeal.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Municipal Franchises Amendment Act, 1955*.



BILL

An Act to amend The Municipal
Franchises Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

MR. PORTER

*(Reprinted as amended by the Committee
on Municipal Law)*

No. 56

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Franchises Act

MR. PORTER

TORONTO
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No. 56

1955

BILL

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Municipal Franchises Act* Rev. Stat., c. 249, s. 1, cl. *b*, re-enacted is repealed and the following substituted therefor:

- (*b*) "gas" means natural gas, manufactured gas or any liquefied petroleum gas, and includes any mixture of natural gas, manufactured gas or liquefied petroleum gas, but does not include a liquefied petroleum gas that is distributed by a means other than a pipe line.

2. Section 4 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 4, amended by adding thereto the following subsection:

- (2) Where the franchise referred to in subsection 1 is a Gas franchises gas franchise, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of this section.

3. Section 6 of *The Municipal Franchises Act* is amended Rev. Stat., c. 249, s. 6, amended by adding thereto the following subsection:

- (2) Where the by-law within the meaning of clause *c* Gas franchises of subsection 1 is a gas franchise by-law, the Ontario Fuel Board shall take the place of the Ontario Municipal Board for the purposes of the clause.

4. Subsections 4, 5, 6 and 7 of section 8 of *The Municipal Franchises Act*, as amended by subsections 3, 4, 5 and 6 of section 2 of *The Municipal Franchises Amendment Act, 1954*, Rev. Stat., c. 249, s. 8, (1954, c. 60, s. 3), 6, 7, repealed are repealed.

5. Section 9 of *The Municipal Franchises Act*, as enacted by section 3 of *The Municipal Franchises Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 249, s. 9 (1954, c. 60, s. 3), re-enacted

Gas
franchise
by-law
to be
approved
by Fuel
Board

9.—(1) No by-law granting,

- (a) the right to construct or operate works for the distribution of gas;
- (b) the right to supply gas to a municipal corporation or to the inhabitants of a municipality;
- (c) the right to extend or add to the works mentioned in clause *a* or the services mentioned in clause *b*;
- (d) a renewal of or an extension of the term of any right mentioned in clause *a* or *b*,

shall be submitted to the municipal electors for their assent unless the terms and conditions upon which and the period for which such right is to be granted, renewed or extended have first been approved by the Ontario Fuel Board.

Jurisdiction
of Fuel
Board

- (2) The Ontario Fuel Board has and may exercise jurisdiction and power necessary for the purposes of this section and may give or refuse its approval.

Hearing to
be held

- (3) The Ontario Fuel Board shall not make an order granting its approval under this section until after the Board has held a public hearing to deal with the matter upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct.

Electors'
assent may
be dispensed
with

- (4) The Board, after holding a public hearing upon such notice as the Board may direct and if satisfied that the assent of the municipal electors can properly under all the circumstances be dispensed with, may in any order made under this section declare and direct that the assent of the electors is not necessary.

Appeal

- 10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice in the Supreme Court apply to any such appeal.

Commence-
ment

- 6. This Act comes into force on the day it receives Royal Assent.

Short title

- 7. This Act may be cited as *The Municipal Franchises Amendment Act, 1955*.

BILL

An Act to amend The Municipal
Franchises Act

1st Reading

February 16th, 1955

2nd Reading

February 28th, 1955

3rd Reading

March 30th, 1955

MR. PORTER

No. 57

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Telephone Act, 1954

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Clause *b* of section 46 of the Act authorizes the commissioners of a municipal subscriber telephone system to pass by-laws providing for their remuneration. Such by-laws require the approval of the Ontario Telephone Authority and confirmation by the subscribers. The amendment makes it clear that it is not also necessary to obtain the approval of the Department of Municipal Affairs.

SECTION 2. This amendment is to make it clear that membership on the municipal council concerned does not disqualify a member from voting at a meeting of subscribers if he is a subscriber.

SECTION 3. Under *The Corporations Act, 1953* certain actions, including the sale of its undertaking, may be taken by a company under a special resolution. The section is rewritten to provide that special resolutions, as well as by-laws, of an incorporated telephone company must be approved by the Authority.

SECTION 4. Under section 78 of the Act a telephone system or the controlling interest in a telephone system cannot be sold without the approval of the Ontario Telephone Authority. The section is amended to make this principle applicable to the sale of part of a telephone system.

No. 57

1955

BILL

An Act to amend The Telephone Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 46 of *The Telephone Act, 1954* is amended by adding thereto the following subsection: ^{1954, c. 94, s. 46, amended}

(2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. ^{Remuneration of commissioners Rev. Stat., c. 243}

2. Section 53 of *The Telephone Act, 1954* is amended by adding at the end thereof the words "unless he is a subscriber", ^{1954, c. 94, s. 53, amended} so that the section shall read as follows:

53. No person is entitled to vote at a general meeting unless he is a subscriber to the telephone system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. ^{Who may vote at general meeting}

3. Section 65 of *The Telephone Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 94, s. 65, re-enacted}

65. No by-law, and no special resolution as defined in *The Corporation Act, 1953*, of an incorporated telephone company hereafter passed has any force or effect until approved by the Authority and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. ^{By-laws to be approved by Authority 1953, c. 19}

4. Section 78 of *The Telephone Act, 1954* is amended by inserting after the word "system" in the first line the words "and no part of a system", so that the section shall read as follows: ^{1954, c. 94, s. 78, amended}

EXPLANATORY NOTES

SECTION 1. Clause *b* of section 46 of the Act authorizes the commissioners of a municipal subscriber telephone system to pass by-laws providing for their remuneration. Such by-laws require the approval of the Ontario Telephone Authority and confirmation by the subscribers. The amendment makes it clear that it is not also necessary to obtain the approval of the Department of Municipal Affairs.

SECTION 2. This amendment is to make it clear that membership on the municipal council concerned does not disqualify a member from voting at a meeting of subscribers if he is a subscriber.

SECTION 3. Under *The Corporations Act, 1953* certain actions, including the sale of its undertaking, may be taken by a company under a special resolution. The section is rewritten to provide that special resolutions, as well as by-laws, of an incorporated telephone company must be approved by the Authority.

SECTION 4. Under section 78 of the Act a telephone system or the controlling interest in a telephone system cannot be sold without the approval of the Ontario Telephone Authority. The section is amended to make this principle applicable to the sale of part of a telephone system.

No. 57

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BILL

An Act to amend The Telephone Act, 1954

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3. Section 65 of *The Telephone Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 94, s. 65, re-enacted}

65. No by-law, and no special resolution as defined in *The Corporation Act, 1953*, of an incorporated telephone company hereafter passed has any force or effect until approved by the Authority and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. ^{By-laws to be approved by Authority 1953, c. 19}

4. Section 78 of *The Telephone Act, 1954* is amended by inserting after the word "system" in the first line the words "and no part of a system", so that the section shall read as follows: ^{1954, c. 94, s. 78, amended}

Sales or
transfers of
systems, etc.

78. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement which in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Authority has approved the sale or other disposition, amalgamation or agreement.

1954,
c. 94, s. 83,
re-enacted

5. Section 83 of *The Telephone Act, 1954* is repealed and the following substituted therefor:

Depreciation
fund

- 83.—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Authority, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Authority may require the system to make such changes in the rate of depreciation from time to time as the Authority considers expedient.

Deposit,
investment
and applica-
tion of fund

- (2) The moneys carried to the credit of the depreciation fund shall, unless the Authority otherwise directs, be deposited in a chartered bank at interest and

Rev. Stat.,
c. 400

- (a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

- (b) may, with the approval of the Authority, be expended in new constructions or extensions or additions to the system.

Interest

- (3) All earnings accruing from any portion of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund.

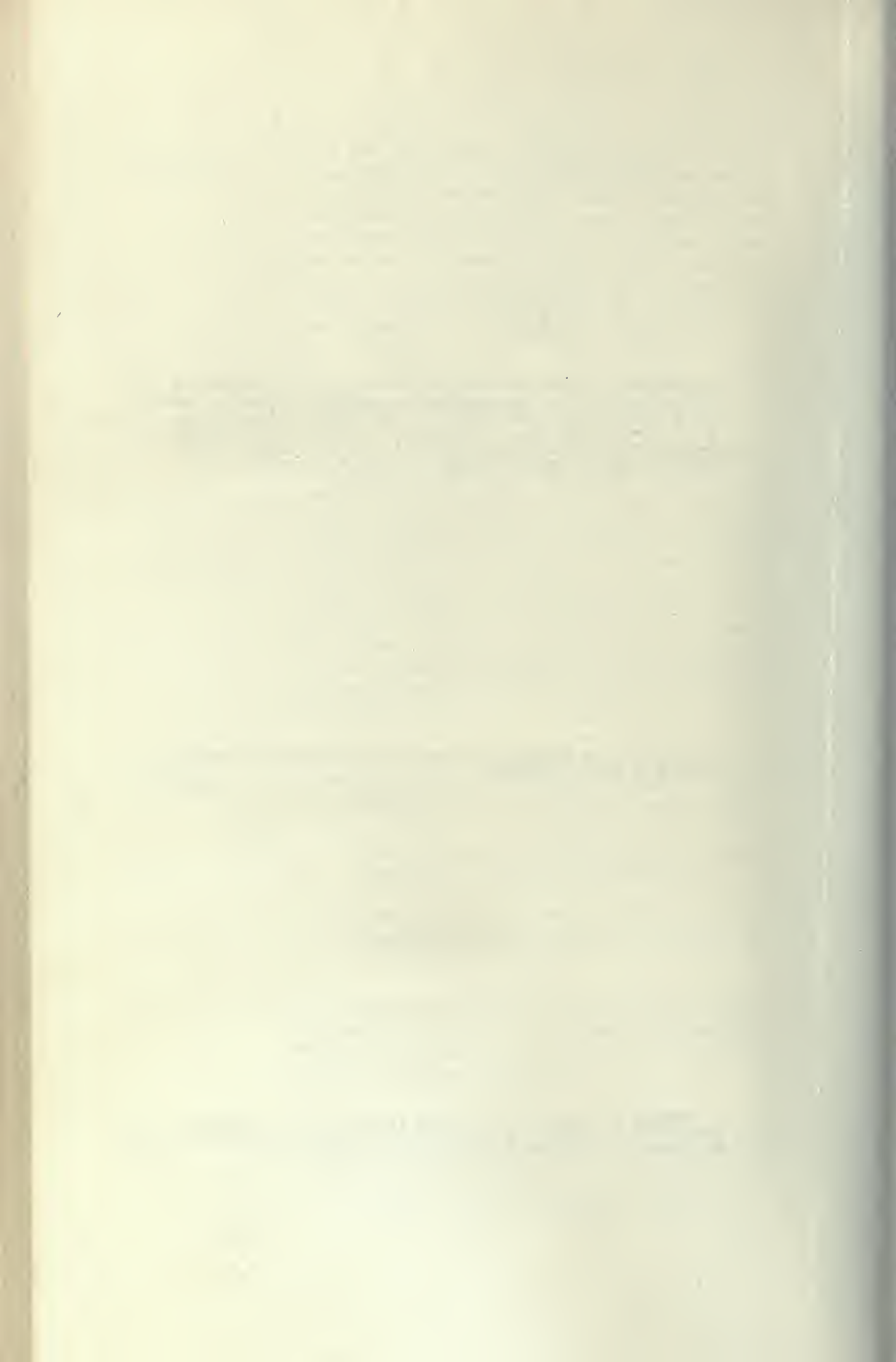
1954,
c. 94, s. 116,
subs. 1,
amended

6. Subsection 1 of section 116 of *The Telephone Act, 1954* is amended by striking out the words "Minister of Municipal Affairs" in the third line and inserting in lieu thereof the words "member of the Executive Council to whom the administration of this Act is assigned", so that the subsection shall read as follows:

SECTION 5. Subsection 1 of section 83 of the Act now provides that every telephone system must maintain an adequate depreciation fund and for that purpose must set aside in each year such proportion of earning as the Authority approves. The subsection is rewritten so as to remove the requirement of the Authority's approval of the rate, but the Authority retains the power to require a system to change its depreciation rates.

Subsection 2 of section 83 is rewritten in two subsections for clarification with no change in principle.

SECTION 6. Subsection 1 of section 116 of the Act is amended to provide that the Authority is to report to the Minister who administers the Act rather than the Minister of Municipal Affairs.



- (1) The Authority shall, after the close of each calendar ^{Annual} year, make an annual report upon the affairs of the ^{report} Authority to the member of the Executive Council to whom the administration of this Act is assigned who shall file it with the Provincial Secretary.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Telephone Amendment* ^{Short title} Act, 1955.

BILL

An Act to amend The Telephone
Act, 1954

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. CHALLIES

No. 57

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Telephone Act, 1954

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 57

1955

BILL

An Act to amend The Telephone Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 46 of *The Telephone Act, 1954* is amended by adding thereto the following subsection: ^{1954, c. 94, s. 46, amended}
 - (2) A by-law under clause *b* of subsection 1 providing for and regulating the remuneration of the commissioners does not require the approval of the Department of Municipal Affairs under section 419 of *The Municipal Act*. ^{Remuneration of commissioners}
2. Section 53 of *The Telephone Act, 1954* is amended by adding at the end thereof the words "unless he is a subscriber", ^{1954, c. 94, s. 53, amended} so that the section shall read as follows:
 53. No person is entitled to vote at a general meeting unless he is a subscriber to the telephone system, but any member of the council of the initiating municipality may attend any general meeting and take part in the deliberations thereat, but shall not vote unless he is a subscriber. ^{Who may vote at general meeting}
3. Section 65 of *The Telephone Act, 1954* is repealed and the following substituted therefor: ^{1954, c. 94, s. 65, re-enacted}
 65. No by-law, and no special resolution as defined in *The Corporations Act, 1953*, of an incorporated telephone company hereafter passed has any force or effect until approved by the Authority and every such company shall cause such by-laws and special resolutions to be kept available for inspection at the head office of the company. ^{By-laws to be approved by Authority 1953, c. 19}
4. Section 78 of *The Telephone Act, 1954* is amended by inserting after the word "system" in the first line the words "and no part of a system", ^{1954, c. 94, s. 78, amended} so that the section shall read as follows:

Sales or
transfers of
systems, etc.

78. No telephone system and no part of a system or controlling interest in a system shall be sold or disposed of and no system shall be amalgamated with another system and no system shall enter into an agreement which in effect transfers its ownership or control to another system, whether the other system is under the jurisdiction of the Legislature or not, until the Authority has approved the sale or other disposition, amalgamation or agreement.

1954,
c. 94, s. 83,
re-enacted

5. Section 83 of *The Telephone Act, 1954* is repealed and the following substituted therefor:

Depreciation
fund

- 83.—(1) Every telephone system shall provide and maintain a proper and adequate depreciation fund and for that purpose shall set aside each year a proportion of its earnings and the fund so provided shall, unless otherwise authorized by the Authority, be applied exclusively to meet the cost of the renewal and replacement of such portion of the plant of the system as may be rendered necessary by age, wear and tear, obsolescence, damage by storm or other contingency and the Authority may require the system to make such changes in the rate of depreciation from time to time as the Authority considers expedient.

Deposit,
investment
and applica-
tion of fund

- (2) The moneys carried to the credit of the depreciation fund shall, unless the Authority otherwise directs, be deposited in a chartered bank at interest and

Rev. Stat.,
c. 400

- (a) may be invested in such securities as trustees may invest in under *The Trustee Act*; or

- (b) may, with the approval of the Authority, be expended in new constructions or extensions or additions to the system.

Interest

- (3) All earnings accruing from any portion of the depreciation fund deposited or invested as provided in subsection 2 shall from time to time be carried to the credit of the depreciation fund.

1954,
c. 94, s. 116,
subs. 1,
amended

6. Subsection 1 of section 116 of *The Telephone Act, 1954* is amended by striking out the words "Minister of Municipal Affairs" in the third line and inserting in lieu thereof the words "member of the Executive Council to whom the administration of this Act is assigned", so that the subsection shall read as follows:

- (1) The Authority shall, after the close of each calendar year, make an annual report upon the affairs of the Authority to the member of the Executive Council to whom the administration of this Act is assigned who shall file it with the Provincial Secretary.

7. This Act comes into force on the day it receives Royal Assent.

8. This Act may be cited as *The Telephone Amendment Act, 1955*.

BILL

An Act to amend The Telephone
Act, 1954

1st Reading

February 16th, 1955

2nd Reading

March 2nd, 1955

3rd Reading

March 14th, 1955

MR. CHALLIES

No. 58

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to incorporate
The Ontario Telephone Development Corporation

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill establishes a new Crown agency, The Ontario Telephone Development Corporation.

The provisions of the bill are self-explanatory.

BILL

An Act to incorporate The Ontario Telephone Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Authority" means Ontario Telephone Authority;
- (b) "Board" means Ontario Municipal Board;
- (c) "Corporation" means The Ontario Telephone Development Corporation constituted under this Act.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario Telephone Development Corporation, having as its object the improvement of telephone systems in Ontario.

Corporation
constituted

(2) The Corporation shall be composed of not less than three and not more than five members, as the Lieutenant-Governor in Council may from time to time determine, who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario or such members of the Authority as the Lieutenant-Governor in Council may from time to time appoint.

Membership

(3) The members for the time being of the Corporation form and are its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Board of
directors

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Management

Remuneration of directors	(5) The Corporation may pay to its directors such remuneration and expense allowances as are from time to time fixed by the Lieutenant-Governor in Council.
Head office	(6) The head office of the Corporation shall be at the City of Toronto in the County of York.
Not to be carried on for gain	3. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its objects.
Powers	4.—(1) To carry out its objects, the Corporation has power, subject to the regulations, if any, <ul style="list-style-type: none"> (a) to acquire by purchase, lease or otherwise, existing telephone systems or parts thereof; (b) to construct, operate and maintain new telephone systems and telephone systems acquired by it, and extensions of its telephone systems; (c) to sell its telephone systems or any part or parts thereof; (d) to purchase and sell shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems.
Expropriation of telephone systems	(2) Where the Corporation proposes to expropriate a telephone system or any part thereof, it may offer to purchase the system or part at a fixed price and if the owner does not accept the price so offered, within one month from the date of the offer, the Corporation may, with the consent of the Authority, pass a by-law for expropriating the system or the part thereof.
Vesting and possession	(3) Upon the day fixed therefor in the by-law, which shall be not less than one month after the by-law is passed, the telephone system or the part thereof which the Corporation offered to purchase vests in the Corporation and the Corporation may take possession of the system or part, and shall make due compensation to the owner therefor.
Compensation	(4) The amount of the compensation, if not mutually agreed upon, shall be determined by the Board.
Where land included	(5) Where the property of the system or part to be expropriated includes land, the by-law shall contain a description of the land, and, if it includes an easement or other right in the nature of an easement, the by-law shall contain a statement of the nature and extent of the easement to be

expropriated; and the by-law shall be registered in the proper registry or land titles office.

(6) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance.

5.—(1) Where,

Payments re
debentures

- (a) the Corporation acquires, by purchase or expropriation, a municipal telephone system that is subject to Part I or Part II of *The Telephone Act, 1954*; and 1954, c. 94
- (b) debentures of the municipality issued in respect of the system are then outstanding and unpaid,

the Corporation and the municipality may agree, or the Board in determining the compensation may order the Corporation to pay to the municipality before the due date all amounts of principal and interest becoming due upon such outstanding debentures, or upon such of them as the agreement or order provides.

(2) Where the municipal telephone system purchased or expropriated by the Corporation is subject to Part II of *The Telephone Act, 1954* and an agreement or order is made under subsection 1, any debentures theretofore issued in respect of the system and outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them.

(3) Where an agreement or order is made under subsection 1 in respect of any debentures outstanding and unpaid, the municipality shall raise in each year during the currency of all outstanding debentures issued in respect of the system, by a special rate on all the rateable property in the municipality, the sums of principal and interest payable in respect of the debentures in such year to the extent that such sums are not provided out of the proceeds of the sale and the moneys payable by the Corporation under the agreement or order.

6.—(1) The Corporation, in addition to its powers under subsection 2 of section 4, has power,

Acquisition
of land

- (a) to acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, to enter upon, take and expropriate; and

(c) to sell or otherwise dispose of,
any land or any interest in land.

Expropria-
tion
Rev. Stat.,
c. 323

(2) The Corporation in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they, where the context permits, mean the Corporation, and the taking of such land by the Corporation shall be deemed to be for the public purposes of Ontario.

Procedure

(3) The Corporation shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Mode of
perfecting
title

(4) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Corporation, signed by the chairman of the board of directors of the Corporation and by an Ontario land surveyor, the land so described thereupon vests in the Corporation.

Borrowing
powers:

7.—(1) To carry out its object, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, such sums of money as it deems expedient, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

debentures

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

(2) The Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, ^{Refunding of loans, etc.} to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

- (a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and
- (b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

(3) Debentures issued by the Corporation may be expressed ^{Debentures may be redeemable before maturity} to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

(4) Every debenture, bill or note issued by the Corporation ^{Debentures to state source of authorization} shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation is valid unless such statement is so contained.

(5) Every advertisement for the sale by the Corporation ^{Advertisements of sale to state source of authorization} of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

(6) Where a debenture, bill or note of the Corporation is ^{Lost debentures} defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board requires.

8.—(1) The Lieutenant-Governor in Council may authorize ^{Guarantee of payment by Province} the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by, or of any temporary loan made to the Corporation under the authority of this Act.

(2) The form of guaranty and the manner of execution ^{Form of guaranty} shall be determined by the Lieutenant-Governor in Council.

(3) Every guaranty given or purporting to be given under ^{Validity of guaranty} the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc.

(4) Any debenture, bill or note issued by, or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

9. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Audit

10. The books and records of the Corporation shall be audited annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Report

11.—(1) The Corporation shall make a report annually to the member of the Executive Council to whom the administration of this Act is assigned and to the Authority, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Corporation as may appear to be of public interest.

Idem

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session.

Regulations

12. The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by

the Corporation, and the form and manner of execution of any guaranty of payment;

- (g) the acquisition of existing telephone systems by the Corporation;
- (h) the construction, operation and maintenance of telephone systems, and extensions thereof, by the Corporation;
- (i) the sale of its telephone systems, or any part or parts thereof, by the Corporation;
- (j) the purchase and sale by the Corporation of shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems;
- (k) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

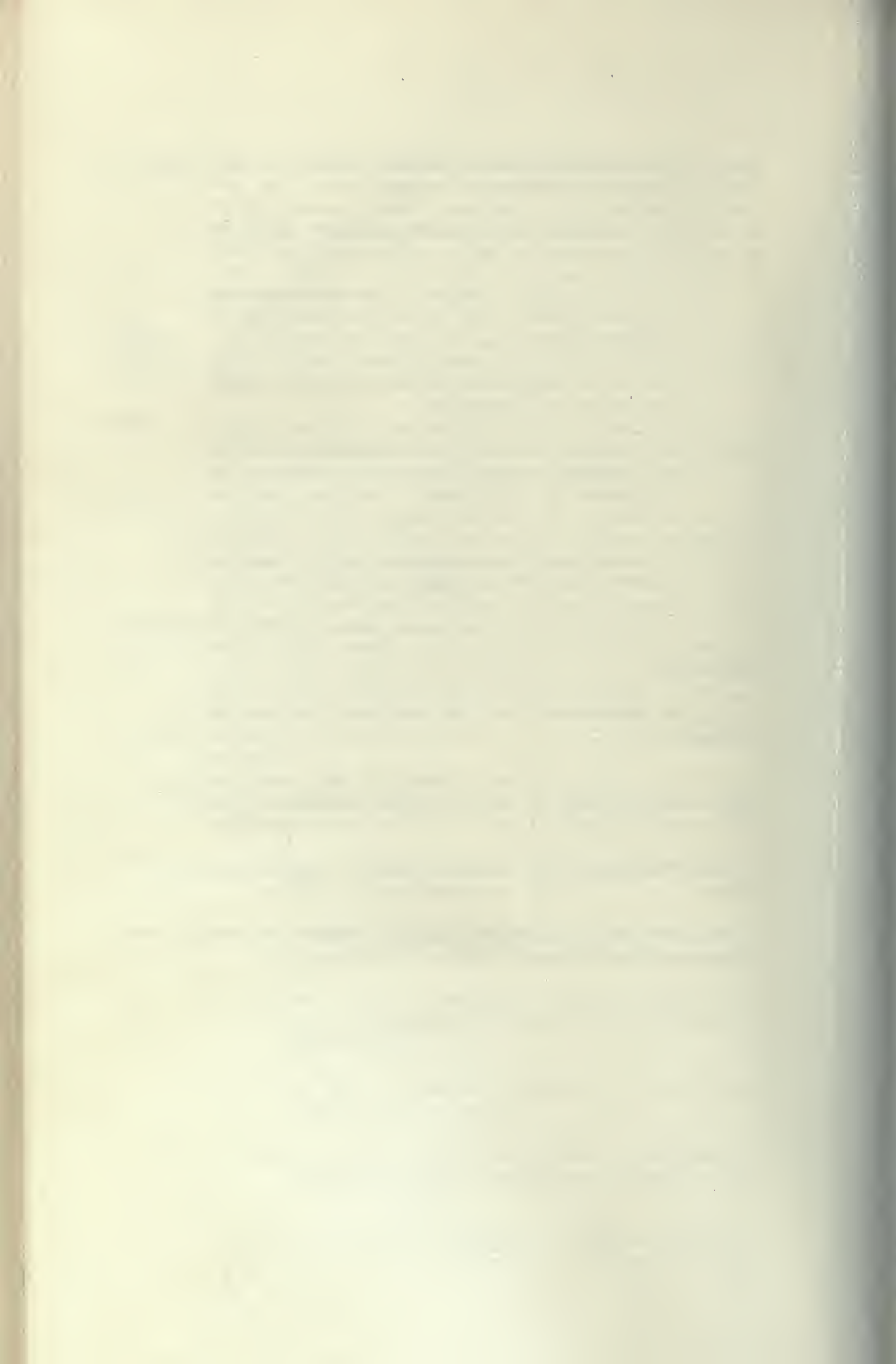
13.—(1) Except where inconsistent with this Act, *The Telephone Act, 1954* applies to the Corporation and its undertaking. Application of 1954, c. 94

(2) *The Corporations Act, 1953* does not apply to the Corporation. 1953, c. 19 not applicable

14. This Act shall be administered by the member of the Executive Council to whom it is assigned by the Lieutenant-Governor in Council. Administration of Act

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Ontario Telephone Development Corporation Act, 1955*. Short title



BILL

An Act to incorporate The Ontario
Telephone Development Corporation

1st Reading

February 16th, 1955

2nd Reading

3rd Reading

MR. CHALLES

No. 58

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

**An Act to incorporate
The Ontario Telephone Development Corporation**

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

1110

THE UNIVERSITY OF CHICAGO
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BILL

An Act to incorporate The Ontario Telephone Development Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Authority" means Ontario Telephone Authority;
- (b) "Board" means Ontario Municipal Board;
- (c) "Corporation" means The Ontario Telephone Development Corporation constituted under this Act.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of The Ontario Telephone Development Corporation, having as its object the improvement of telephone systems in Ontario.

(2) The Corporation shall be composed of not less than three and not more than five members, as the Lieutenant-Governor in Council may from time to time determine, who shall hold office as members during the pleasure of the Lieutenant-Governor in Council and who shall be such officers in the public service of Ontario or such members of the Authority as the Lieutenant-Governor in Council may from time to time appoint.

(3) The members for the time being of the Corporation shall form and are its board of directors and the Lieutenant-Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

(4) Subject to the regulations, the affairs of the Corporation shall be under the management and control of the board of directors and in the absence of the chairman, or if at any time that office be vacant, the vice-chairman shall have all the powers and perform the duties of the chairman.

Remunera-
tion of
directors

(5) The Corporation may pay to its directors such remuneration and expense allowances as are from time to time fixed by the Lieutenant-Governor in Council.

Head office

(6) The head office of the Corporation shall be at the City of Toronto in the County of York.

Not to be
carried on
for gain

3. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its objects.

Powers

4.—(1) To carry out its objects, the Corporation has power, subject to the regulations, if any,

(a) to acquire by purchase, lease or otherwise, existing telephone systems or parts thereof;

(b) to construct, operate and maintain new telephone systems and telephone systems acquired by it, and extensions of its telephone systems;

(c) to sell its telephone systems or any part or parts thereof;

(d) to purchase and sell shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems.

Expropria-
tion of
telephone
systems

(2) Where the Corporation proposes to expropriate a telephone system or any part thereof, it may offer to purchase the system or part at a fixed price and if the owner does not accept the price so offered, within one month from the date of the offer, the Corporation may, with the consent of the Authority, pass a by-law for expropriating the system or the part thereof.

Vesting and
possession

(3) Upon the day fixed therefor in the by-law, which shall be not less than one month after the by-law is passed, the telephone system or the part thereof which the Corporation offered to purchase vests in the Corporation and the Corporation may take possession of the system or part, and shall make due compensation to the owner therefor.

Compensa-
tion

(4) The amount of the compensation, if not mutually agreed upon, shall be determined by the Board.

Where land
included

(5) Where the property of the system or part to be expropriated includes land, the by-law shall contain a description of the land, and, if it includes an easement or other right in the nature of an easement, the by-law shall contain a statement of the nature and extent of the easement to be

expropriated; and the by-law shall be registered in the proper registry or land titles office.

(6) In fixing the price to be offered or the compensation to be made where part only of a system is proposed to be purchased or is expropriated, there shall be included in the price or compensation, as the case may be, a sum sufficient to compensate the owner of the system for any damage directly resulting from the severance.

5.—(1) Where,

Payments re
debentures

- (a) the Corporation acquires, by purchase or expropriation, a municipal telephone system that is subject to Part I or Part II of *The Telephone Act, 1954*; and 1954, c. 94
- (b) debentures of the municipality issued in respect of the system are then outstanding and unpaid,

the Corporation and the municipality may agree, or the Board in determining the compensation may order the Corporation to pay to the municipality before the due date all amounts of principal and interest becoming due upon such outstanding debentures, or upon such of them as the agreement or order provides.

(2) Where the municipal telephone system purchased or expropriated by the Corporation is subject to Part II of *The Telephone Act, 1954* and an agreement or order is made under subsection 1, any debentures theretofore issued in respect of the system and outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them.

Subscribers'
lands
released
from debt

(3) Where an agreement or order is made under subsection 1 in respect of any debentures outstanding and unpaid, the municipality shall raise in each year during the currency of all outstanding debentures issued in respect of the system, by a special rate on all the rateable property in the municipality, the sums of principal and interest payable in respect of the debentures in such year to the extent that such sums are not provided out of the proceeds of the sale and the moneys payable by the Corporation under the agreement or order.

Special
rates

6.—(1) The Corporation, in addition to its powers under subsection 2 of section 4, has power,

Acquisition
of land

- (a) to acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, to enter upon, take and expropriate; and

(c) to sell or otherwise dispose of,

any land or any interest in land.

Expropria-
tion
Rev. Stat.,
c. 323

(2) The Corporation in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they, where the context permits, mean the Corporation, and the taking of such land by the Corporation shall be deemed to be for the public purposes of Ontario.

Procedure

(3) The Corporation shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

Mode of
perfecting
title

(4) Upon the deposit in the proper registry or land title office of a plan and description of the land required by the Corporation, signed by the chairman of the board of directors of the Corporation and by an Ontario land surveyor, the land so described thereupon vests in the Corporation.

Borrowing
powers:

7.—(1) To carry out its object, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, such sums of money as it deems expedient, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

debentures

(a) by the issue and sale of debentures of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide;

bills and
notes

(b) by the issue and sale of treasury bills or notes of the Corporation issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant-Governor in Council deems expedient and as the regulations may provide; and

temporary
loans

(c) by temporary loans as the Lieutenant-Governor in Council deems expedient and as the regulations may provide.

(2) The Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, ^{Refunding of loans, etc.} to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

- (a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and
- (b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

(3) Debentures issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, ^{Debentures may be redeemable before maturity} times and places of redemption approved by the Lieutenant-Governor in Council and as the regulations may provide.

(4) Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation is valid unless ^{Debentures to state source of authorization} such statement is so contained.

(5) Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are ^{Advertisements of sale to state source of authorization} made under the authority of this Act.

(6) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board requires. ^{Lost debentures}

8.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures, bills or notes issued by, or of any temporary loan made to the Corporation under the authority of this Act. ^{Guarantee of payment by Province}

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant-Governor in Council. ^{Form of guaranty}

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province and is not open to question upon any ground whatsoever. ^{Validity of guaranty}

Guaranteed
debentures,
etc.

(4) Any debenture, bill or note issued by, or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever.

Trustees,
etc., invest-
ments in
debentures

9. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds.

Audit

10. The books and records of the Corporation shall be audited annually by the provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Report

11.—(1) The Corporation shall make a report annually to the member of the Executive Council to whom the administration of this Act is assigned and to the Authority, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Corporation as may appear to be of public interest.

Idem

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session.

Regulations

12. The Lieutenant-Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of any debentures, bills or notes issued and loans made by

the Corporation, and the form and manner of execution of any guaranty of payment;

- (g) the acquisition of existing telephone systems by the Corporation;
- (h) the construction, operation and maintenance of telephone systems, and extensions thereof, by the Corporation;
- (i) the sale of its telephone systems, or any part or parts thereof, by the Corporation;
- (j) the purchase and sale by the Corporation of shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems;
- (k) any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

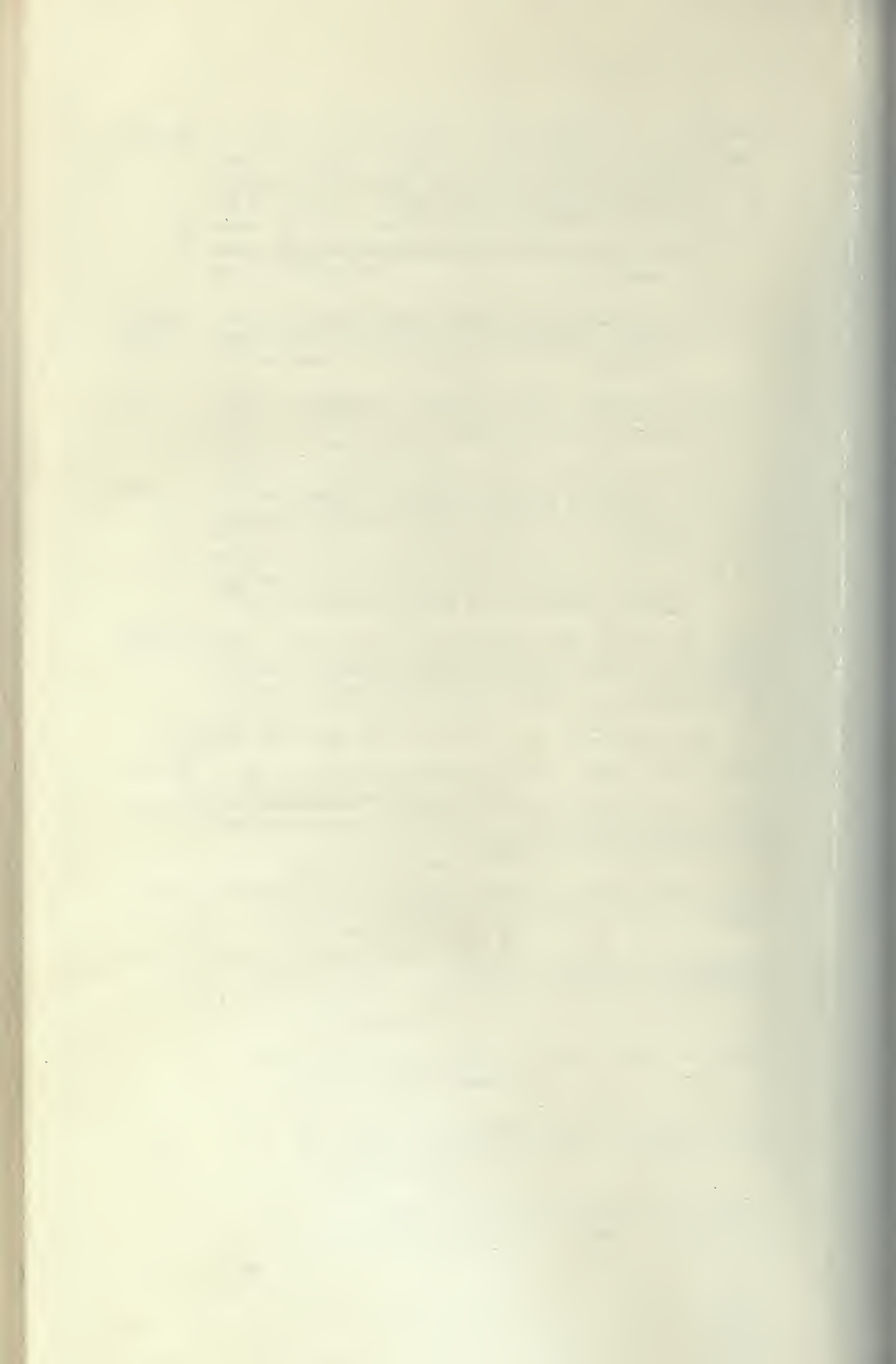
13.—(1) Except where inconsistent with this Act, *The Telephone Act, 1954* ^{Application of 1954, c. 94} applies to the Corporation and its undertaking.

(2) *The Corporations Act, 1953* ^{1953, c. 19 not applicable} does not apply to the Corporation.

14. This Act shall be administered by the member of the Executive Council to whom it is assigned by the Lieutenant-Governor in Council. ^{Administration of Act}

15. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

16. This Act may be cited as *The Ontario Telephone Development Corporation Act, 1955*. ^{Short title}



BILL

An Act to incorporate The Ontario
Telephone Development Corporation

1st Reading

February 16th, 1955

2nd Reading

March 2nd, 1955

3rd Reading

March 14th, 1955

MR. CHALLIES

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Trench Excavators Protection Act, 1954

MR. DALEY

EXPLANATORY NOTES

SECTION 1. This exception is new.

SECTION 2. Self-explanatory.

SECTION 3—Subsection 1. This item is added to the information that must be supplied by a person proposing to excavate a trench in his notice to the inspector.

Subsection 2. An exception is made to the provision requiring notice to be given to the inspector of a proposal to excavate a trench.

No. 59

1955

BILL

An Act to amend The Trench Excavators Protection Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Trench Excavators Protection Act, 1954* ^{1954,} is amended by adding thereto the following clause: ^{c. 99, s. 2,} ^{amended}

(cc) to a part of a trench excavated for a pipe line or conduit if the trench is mechanically excavated, if the sections of the line or conduit are permanently assembled before being mechanically placed in the trench, and if the trench is mechanically back-filled.

2. Subsection 1 of section 5 of *The Trench Excavators Protection Act, 1954* ^{1954,} is amended by inserting after the word ^{c. 99, s. 5,} "Act" in the second line the words "or the regulations" and ^{subs. 1,} ^{amended} by striking out the words "with this Act" in the third line and inserting in lieu thereof the word "therewith", so that the subsection shall read as follows:

(1) Where an inspector finds that any provision of this ^{Order of} ^{inspector} Act or the regulations is being violated, he may give such order in writing as he thinks necessary to secure compliance therewith, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

3.—(1) Section 6 of *The Trench Excavators Protection Act, 1954,* ^{1954,} ^{c. 99, s. 6,} ^{amended} is amended by adding thereto the following clause:

(cc) the particulars, known to the owner or contractor, as to the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or adjacent to the proposed trench.

(2) The said section 6 is further amended by adding thereto the following subsection: ^{1954,} ^{c. 99, s. 6,} ^{amended}

Exception

- (2) Notwithstanding subsection 1, where it is necessary to excavate a trench immediately in order to permit the making of a repair or to take other action to prevent injury to persons or damage to property, work on the trench may be commenced without compliance with subsection 1 but in any such case the notice shall be given to the inspector as soon as practicable.

1954,
c. 99, s. 8,
subs. 1,
amended

4.—(1) Subsection 1 of section 8 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words “except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench”, so that the subsection shall read as follows:

Shoring and timbering

- (1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench, except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench.

1954,
c. 99, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by inserting after the word “or” in the second line the words “where the trench is excavated in hard and solid soil and does not exceed six feet in depth or”, so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply where the trench is cut in solid rock or where the trench is excavated in hard and solid soil and does not exceed six feet in depth or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.

1954,
c. 99, s. 8,
amended

(3) The said section 8 is amended by adding thereto the following subsection:

Removal of shoring

- (6) Where the shoring and timbering is to be removed on completion of the other work in a trench, such removal shall be done by or under the personal supervision of a person experienced in removing shoring and timbering.

SECTION 4—Subsection 1. An exception is added.

Subsection 2. An exception is added.

Subsection 3. Self-explanatory.

SECTION 5. Self-explanatory.

SECTION 6. Self-explanatory.

SECTION 7. Subsection 1 is broadened and subsection 2 is new.

SECTION 8. The scope of the section is narrowed.

SECTION 9. Self-explanatory.

5. Subsection 1 of section 11 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words "unless the inexperienced person works under the personal supervision of a person having experience in such work", so that the subsection shall read as follows:

- (1) The person in charge of work in connection with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work unless the inexperienced person works under the personal supervision of a person having experience in such work.

6. Section 12 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) Where mechanical ventilation may not adequately supply uncontaminated air for a person in a trench, such person shall be provided with and shall use respiratory protective equipment furnishing air from an uncontaminated source.

7. Section 15 of *The Trench Excavators Protection Act, 1954* is repealed and the following substituted therefor:

- (1) No tool, machinery, timber or other object shall be placed in or kept adjacent to a trench in a manner that may endanger the safety of a person in the trench.
- (2) No excavated material shall be placed or kept within two feet of the edge of a trench.

8. Section 17 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) This section applies only to a trench in or adjacent to a public or private way.

9. Section 18 of *The Trench Excavators Protection Act, 1954* is amended by inserting after the word "enter" in the second line the words "or to remain in" and by striking out the words "have not been" in the fourth line and inserting in lieu thereof the words "are not", so that the section shall read as follows:

18. The person in charge of work in connection with a trench shall not allow any person to enter or to remain in the trench if the provisions of this Act and the regulations with respect to such trench are not complied with.

1954,
c. 99, s. 21,
amended

10. Section 21 of *The Trench Excavators Protection Act, 1954* is amended by striking out the words "During periods of temporary shut-down" at the commencement thereof, so that the section shall read as follows:

Solitary
workers

21. No person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

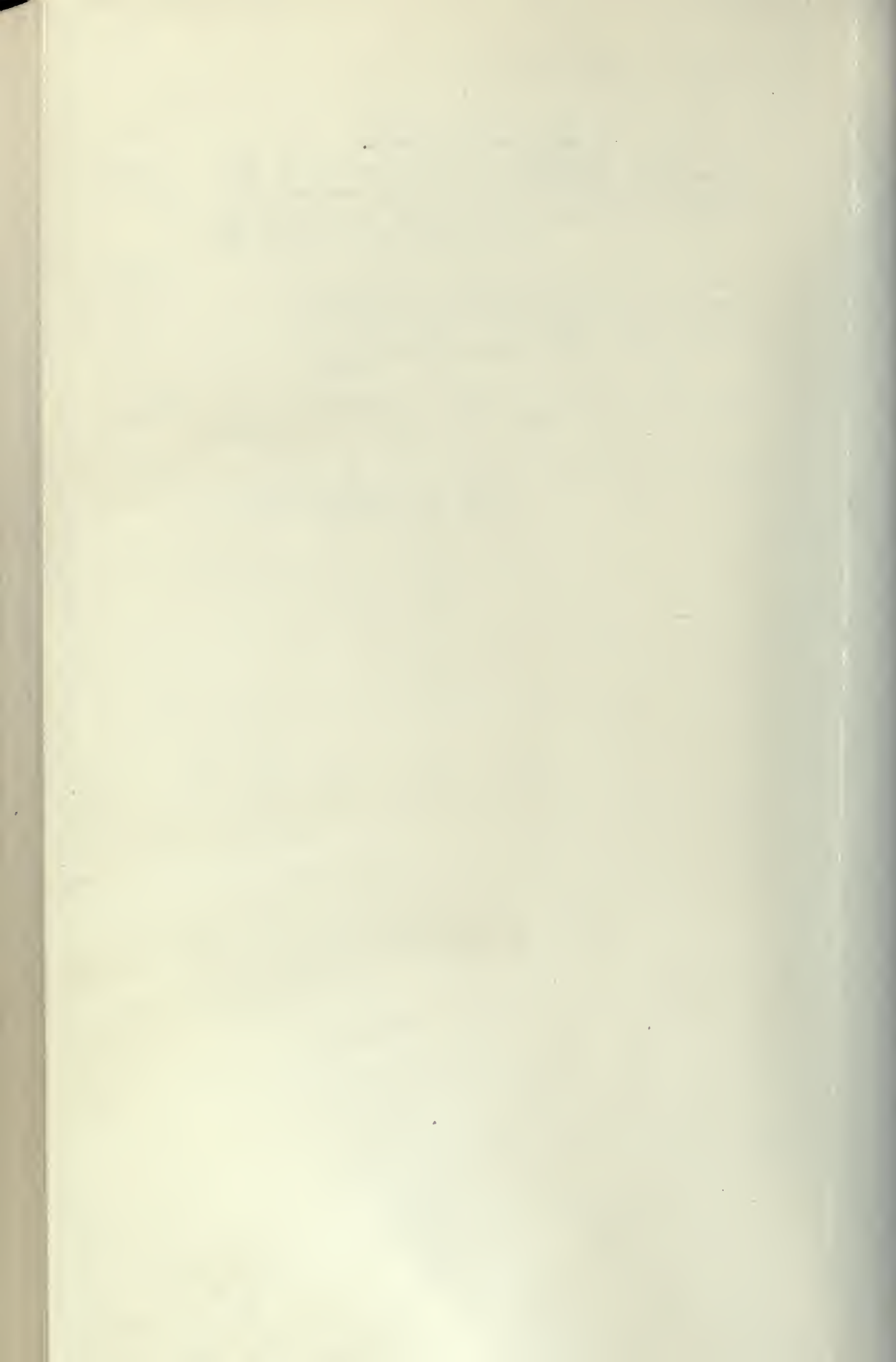
Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Trench Excavators Protection Amendment Act, 1955*.

SECTION 10. The prohibition is broadened.



BILL

An Act to amend The Trench Excavators
Protection Act, 1954

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. DALEY

No. 59

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Trench Excavators Protection Act, 1954

MR. DALEY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

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VOLUME 31. PART 1. 1901.

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VOLUME 31. PART 1. 1901.

No. 59

1955

BILL

An Act to amend The Trench Excavators Protection Act, 1954

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Trench Excavators Protection Act, 1954* ^{1954, c. 99, s. 2, amended} is amended by adding thereto the following clause:

(cc) to a part of a trench excavated for a pipe line or conduit if the trench is mechanically excavated, if the sections of the line or conduit are permanently assembled before being mechanically placed in the trench, and if the trench is mechanically back-filled.

2. Subsection 1 of section 5 of *The Trench Excavators Protection Act, 1954* ^{1954, c. 99, s. 5, subs. 1, amended} is amended by inserting after the word "Act" in the second line the words "or the regulations" and by striking out the words "with this Act" in the third line and inserting in lieu thereof the word "therewith", so that the subsection shall read as follows:

(1) Where an inspector finds that any provision of this ^{Order of inspector} Act or the regulations is being violated, he may give such order in writing as he thinks necessary to secure compliance therewith, and until such order is carried out the work upon that part of the trench in which the violation occurs shall be suspended.

3.—(1) Section 6 of *The Trench Excavators Protection Act, 1954* ^{1954, c. 99, s. 6, amended} is amended by adding thereto the following clause:

(cc) the particulars, known to the owner or contractor, as to the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or adjacent to the proposed trench.

(2) The said section 6 is further amended by adding thereto ^{1954, c. 99, s. 6, amended} the following subsection:

Exception

- (2) Notwithstanding subsection 1, where it is necessary to excavate a trench immediately in order to permit the making of a repair or to take other action to prevent injury to persons or damage to property, work on the trench may be commenced without compliance with subsection 1 but in any such case the notice shall be given to the inspector as soon as practicable.

1954,
c. 99, s. 8,
subs. 1,
amended

4.—(1) Subsection 1 of section 8 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words "except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench", so that the subsection shall read as follows:

Shoring and timbering

- (1) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with the regulations and the shoring and timbering shall extend at least one foot above the top of the trench, except that where the inspector gives permission in writing to the person in charge of the work in connection with the trench, the shoring and timbering need not extend above the top of the trench.

1954,
c. 99, s. 8,
subs. 2,
amended

(2) Subsection 2 of the said section 8 is amended by inserting after the word "or" in the second line the words "where the trench is excavated in hard and solid soil and does not exceed six feet in depth or", so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply where the trench is cut in solid rock or where the trench is excavated in hard and solid soil and does not exceed six feet in depth or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.

1954,
c. 99, s. 8,
amended

(3) The said section 8 is amended by adding thereto the following subsection:

Removal of shoring

- (6) Where the shoring and timbering is to be removed on completion of the other work in a trench, such removal shall be done by or under the personal supervision of a person experienced in removing shoring and timbering.

5. Subsection 1 of section 11 of *The Trench Excavators Protection Act, 1954* is amended by adding at the end thereof the words "unless the inexperienced person works under the personal supervision of a person having experience in such work", so that the subsection shall read as follows:

- (1) The person in charge of work in connection with a trench shall not allow or designate any person inexperienced in handling dynamite or other high explosives to handle, transport, prepare or use dynamite or other high explosives in connection with such work unless the inexperienced person works under the personal supervision of a person having experience in such work.

6. Section 12 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) Where mechanical ventilation may not adequately supply uncontaminated air for a person in a trench, such person shall be provided with and shall use respiratory protective equipment furnishing air from an uncontaminated source.

7. Section 15 of *The Trench Excavators Protection Act, 1954* is repealed and the following substituted therefor:

- 15.—(1) No tool, machinery, timber or other object shall be placed in or kept adjacent to a trench in a manner that may endanger the safety of a person in the trench.
- (2) No excavated material shall be placed or kept within two feet of the edge of a trench.

8. Section 17 of *The Trench Excavators Protection Act, 1954* is amended by adding thereto the following subsection:

- (3) This section applies only to a trench in or adjacent to a public or private way.

9. Section 18 of *The Trench Excavators Protection Act, 1954* is amended by inserting after the word "enter" in the second line the words "or to remain in" and by striking out the words "have not been" in the fourth line and inserting in lieu thereof the words "are not", so that the section shall read as follows:

18. The person in charge of work in connection with a trench shall not allow any person to enter or to remain in the trench if the provisions of this Act and the regulations with respect to such trench are not complied with.

1954,
c. 99, s. 21,
amended

10. Section 21 of *The Trench Excavators Protection Act, 1954* is amended by striking out the words "During periods of temporary shut-down" at the commencement thereof, so that the section shall read as follows:

Solitary
workers

21. No person shall be allowed to work alone in a trench exceeding twenty feet in depth unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Trench Excavators Protection Amendment Act, 1955*.

BILL

An Act to amend The Trench Excavators
Protection Act, 1954

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. DALEY

No. 60

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The Government of Canada proposes to lower the age of eligibility for a blind person's allowance from 21 to 18 and to increase the income ceilings. These amendments are necessary in order that these changes may be put into effect in Ontario.

SECTION 2. The section is re-enacted in order to conform with the requirements of the Federal authorities.

No. 60

1955

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Blind Persons' Allowances Act, 1951*, as enacted by section 1 of *The Blind Persons' Allowances Amendment Act, 1952*, is repealed and the following substituted therefor: 1951, (2nd Sess.), c. 1, s. 2, subs. 2 (1952, c. 5, s. 1), re-enacted

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with *The Blind Persons Act (Canada)* as amended from time to time. Supplemental agreements authorized 1951, c. 38 (Can.)

(3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2. Payment authorized

2. Section 6 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor: 1951, (2nd Sess.), c. 1, s. 6, re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

When an allowance may be paid to a trustee

the Director may appoint a person to act for the recipient and the allowance may be paid for the

benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensa-
tion

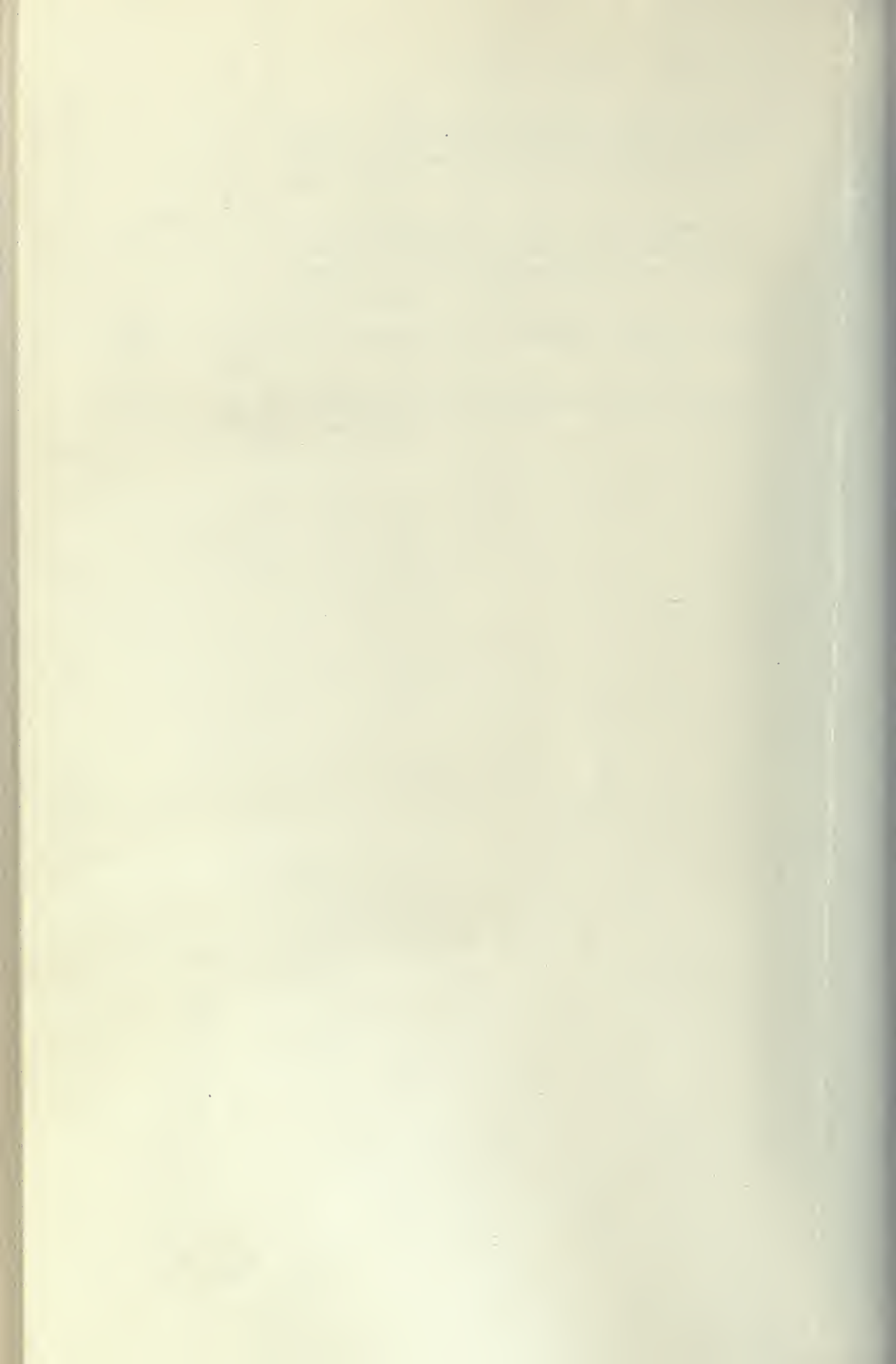
- (2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1955*.



BILL

An Act to amend 'The Blind Persons'
Allowances Act, 1951

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 60

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 60

1955

BILL

An Act to amend The Blind Persons' Allowances Act, 1951

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Blind Persons' Allowances Act, 1951*, as enacted by section 1 of *The Blind Persons' Allowances Amendment Act, 1952*, is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 1, s. 2,
subs. 2
(1952,
c. 5, s. 1),
re-enacted

(2) The Minister, with the approval of the Lieutenant-Governor in Council, may, from time to time, on behalf of the Government of Ontario, make one or more supplemental agreements with the Minister of National Health and Welfare on behalf of the Government of Canada amending any of the provisions of the agreement mentioned in subsection 1 in order to conform with the *Blind Persons Act (Canada)* as amended from time to time.

Supple-
mental
agreements
authorized

R.S.C.
1952, c. 17

(3) Allowances may be paid in accordance with the agreement made under subsection 1 or any supplemental agreement made under subsection 2.

Payment
authorized

2. Section 6 of *The Blind Persons' Allowances Act, 1951* is repealed and the following substituted therefor:

1951
(2nd Sess.),
c. 1, s. 6,
re-enacted

6.—(1) In the case of a recipient,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Director, is using or is likely to use the allowance otherwise than for his own benefit, or is incapacitated or is incapable of handling his affairs,

When an
allowance
may be paid
to a trustee

the Director may appoint a person to act for the recipient and the allowance may be paid for the

benefit of the recipient to the committee or trustee mentioned in clause *a* or to the person appointed under clause *b*.

Compensation

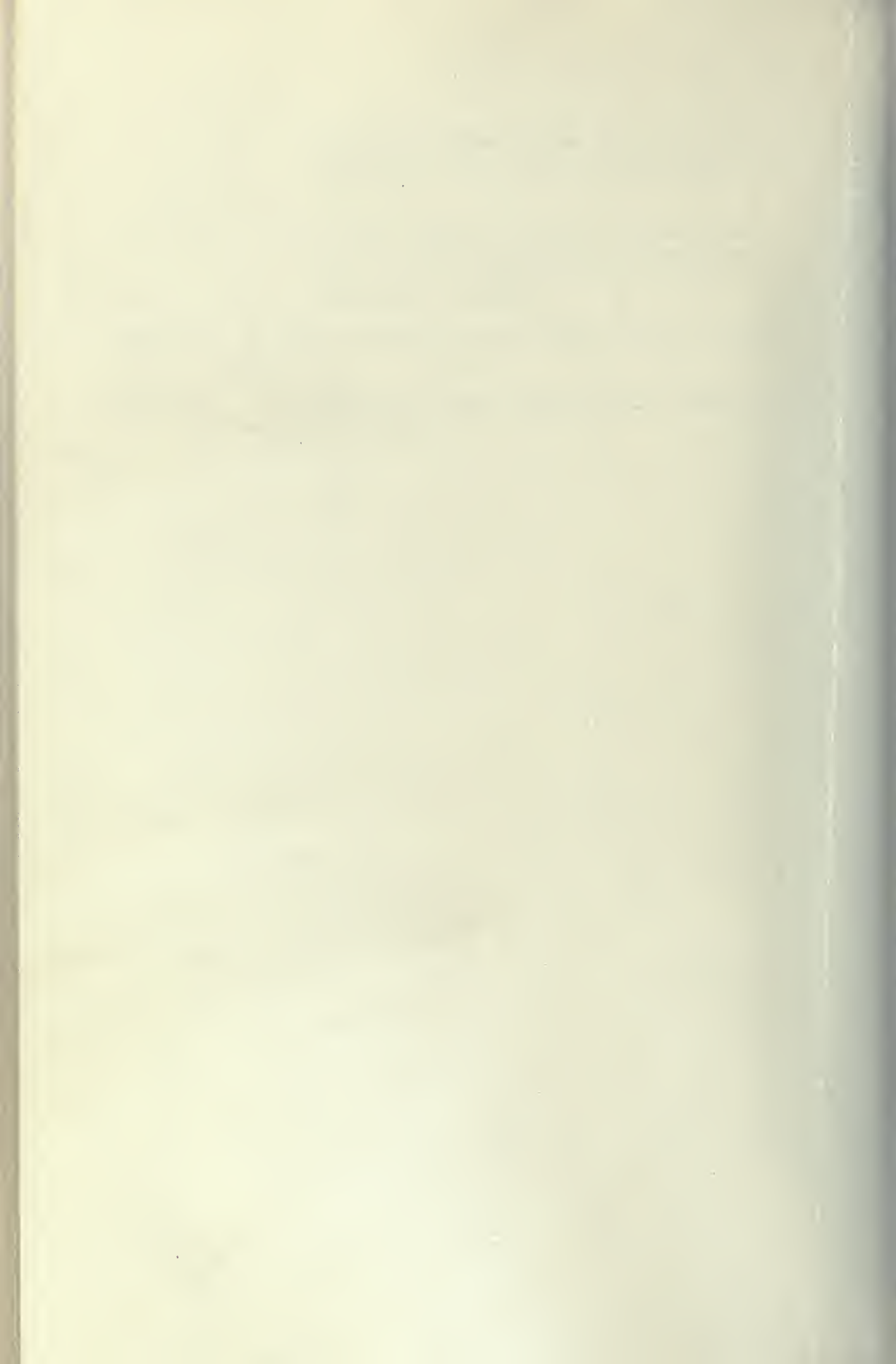
- (2) A person acting for a recipient under subsection 1 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Blind Persons' Allowances Amendment Act, 1955*.



BILL

An Act to amend 'The Blind Persons'
Allowances Act, 1951

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. GOODFELLOW

No. 61

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mothers' Allowances Act, 1952

MR. GOODFELLOW

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 2 of the Act is re-enacted in its entirety for purposes of convenience.

Subsection 1, clause *b*. The words "or the child or children" are added.

Clause *f*. The second case is new.

No. 61

1955

BILL

An Act to amend The Mothers' Allowances Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Mothers' Allowances Act, 1952*, as amended by section 2 of *The Mothers' Allowances Amendment Act, 1953* and section 1 of *The Mothers' Allowances Amendment Act, 1954*, is repealed and the following substituted therefor:

- 2.—(1) Subject to this Act and the regulations, a monthly allowance may be paid to a mother towards the support of her child or children under eighteen years of age residing with her in circumstances under which such child or children would not be cared for properly without the assistance of an allowance,
- When allowance may be paid
- (a) who is a widow; or
 - (b) whose husband has deserted her or the child or children and he has not been heard of for at least one year; or
 - (c) whose husband, by reason of mental or physical disability, is permanently unemployable; or
 - (d) who has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance, or if made, the father has failed to carry out his obligations and he has not been heard of for at least one year; and
 - (e) who resides in Ontario at the time she makes application for an allowance; and
 - (f) who has resided in Ontario for at least one year immediately prior to the date of application for the allowance, or where she was

absent from Ontario for any period of time during that year, the Director is satisfied that the period of absence was of a temporary nature; and

- (g) who continues to reside in Ontario with her dependent child or children, or where she has been given permission in writing by the Director to be absent from Ontario for compassionate or other reasons satisfactory to him, but in no case shall such period of absence exceed ninety-two days in the twelve-month period preceding the return of the mother to Ontario; and
- (h) who, in the opinion of the Director, is a suitable person to receive an allowance.

Allowance
to foster
mother

- (2) A like allowance may be paid to a woman who is resident as required under subsection 1 and who has resident with her one or more foster children under eighteen years of age and who is the grandmother, sister, aunt or other suitable person acting as foster mother of such child or children and who has not adequate means to care properly for such child or children without an allowance.

Allowance
in cases of
desertion

- (3) Where a mother qualifies for an allowance under clause *b* of subsection 1 and her husband is later found, the Director may, in his discretion, continue payment of the allowance to the mother for a period of not more than three months after the month following that in which the husband is found.

Allowance
for incapa-
citated
husband

- (4) Where a mother qualifies for an allowance under clause *c* of subsection 1,

- (a) an additional allowance may be paid in respect of the husband in the same amount and manner as if the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the mother under this Act ceases to be paid; and

- (b) where, in the opinion of the Director, the husband may benefit from rehabilitation services under *The Rehabilitation Services Act, 1955*, the Director may recommend the husband for such services and continue payment of the allowance to the mother for a period

1955, c. 00

Clause *g*. The second case is new.

Subsection 2. Enacted in 1953. No change.

Subsection 3. This subsection is new. It is designed to assist the family during the period of adjustment after the deserting husband is found.

Subsection 4. Clause *b* is new. It is self-explanatory.

Subsection 5. Enacted in 1953. No change.

Subsection 6. Re-enacted in 1954. No change.

Subsection 7. No change.

Subsection 8. Re-enacted in 1953. No change.

Subsection 9. Re-enacted in 1953. No change.

Subsection 10. Re-enacted in 1953. No change.

of not more than twelve months after the month following that in which the husband commences to receive such services.

- (5) Where a foster mother qualifies for an allowance, an additional allowance may be paid in respect of the father of the child or children if he is permanently unemployable and is living with the child or children who are in the care of the foster mother, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the foster mother under this Act ceases to be paid. Allowance for permanently unemployable father
 - (6) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a child coming within subsection 7 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period. Allowances in respect of children
 - (7) Notwithstanding subsection 6, an allowance may be paid in respect of a child who is unable to attend school by reason of a mental or physical disability, but not after the child becomes eighteen years of age. Children under disability
 - (8) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being granted in respect of one or more children dependent upon a mother or foster mother who is not strictly eligible for an allowance under this section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother or foster mother. Special cases
 - (9) The Director may, from time to time, vary the amount of any allowance directed to be paid under an Order in Council heretofore made and shall determine the amount of any allowance directed to be paid under an Order in Council hereafter made. Amount of allowances in special cases
 - (10) The provisions of this Act and the regulations respecting the payment of allowances apply to allowances directed to be paid under Orders in Council heretofore or hereafter made. Provisions of Act respecting payment of allowances applicable in special cases
- 2.** This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1955*. Short title

BILL

An Act to amend 'The Mothers'
Allowances Act, 1952

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. GOODFELLOW

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Mothers' Allowances Act, 1952

MR. GOODFELLOW



No. 61

1955

BILL

An Act to amend The Mothers' Allowances Act, 1952

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Mothers' Allowances Act, 1952*, as ^{1952,} amended by section 2 of *The Mothers' Allowances Amendment* ^{c. 62, s. 2,} *Act, 1953* and section 1 of *The Mothers' Allowances Amendment* ^{re-enacted} *Act, 1954*, is repealed and the following substituted therefor:

- 2.—(1) Subject to this Act and the regulations, a monthly ^{When} allowance ^{allowance} may be paid to a mother towards the ^{may be paid} support of her child or children under eighteen years of age residing with her in circumstances under which such child or children would not be cared for properly without the assistance of an allowance,
- (a) who is a widow; or
 - (b) whose husband has deserted her or the child or children and he has not been heard of for at least one year; or
 - (c) whose husband, by reason of mental or physical disability, is permanently unemployable; or
 - (d) who has divorced the father of the child or children and has been awarded custody of them in proceedings in which no provision was made for their maintenance, or if made, the father has failed to carry out his obligations and he has not been heard of for at least one year; and
 - (e) who resides in Ontario at the time she makes application for an allowance; and
 - (f) who has resided in Ontario for at least one year immediately prior to the date of application for the allowance, or where she was

absent from Ontario for any period of time during that year, the Director is satisfied that the period of absence was of a temporary nature; and

- (g) who continues to reside in Ontario with her dependent child or children, or where she has been given permission in writing by the Director to be absent from Ontario for compassionate or other reasons satisfactory to him, but in no case shall such period of absence exceed ninety-two days in the twelve-month period preceding the return of the mother to Ontario; and
- (h) who, in the opinion of the Director, is a suitable person to receive an allowance.

Allowance
to foster
mother

- (2) A like allowance may be paid to a woman who is resident as required under subsection 1 and who has resident with her one or more foster children under eighteen years of age and who is the grandmother, sister, aunt or other suitable person acting as foster mother of such child or children and who has not adequate means to care properly for such child or children without an allowance.

Allowance
in cases of
desertion

- (3) Where a mother qualifies for an allowance under clause *b* of subsection 1 and her husband is later found, the Director may, in his discretion, continue payment of the allowance to the mother for a period of not more than three months after the month following that in which the husband is found.

Allowance
for incapa-
citated
husband

- (4) Where a mother qualifies for an allowance under clause *c* of subsection 1,

- (a) an additional allowance may be paid in respect of the husband in the same amount and manner as if the husband were a dependent child, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the mother under this Act ceases to be paid; and

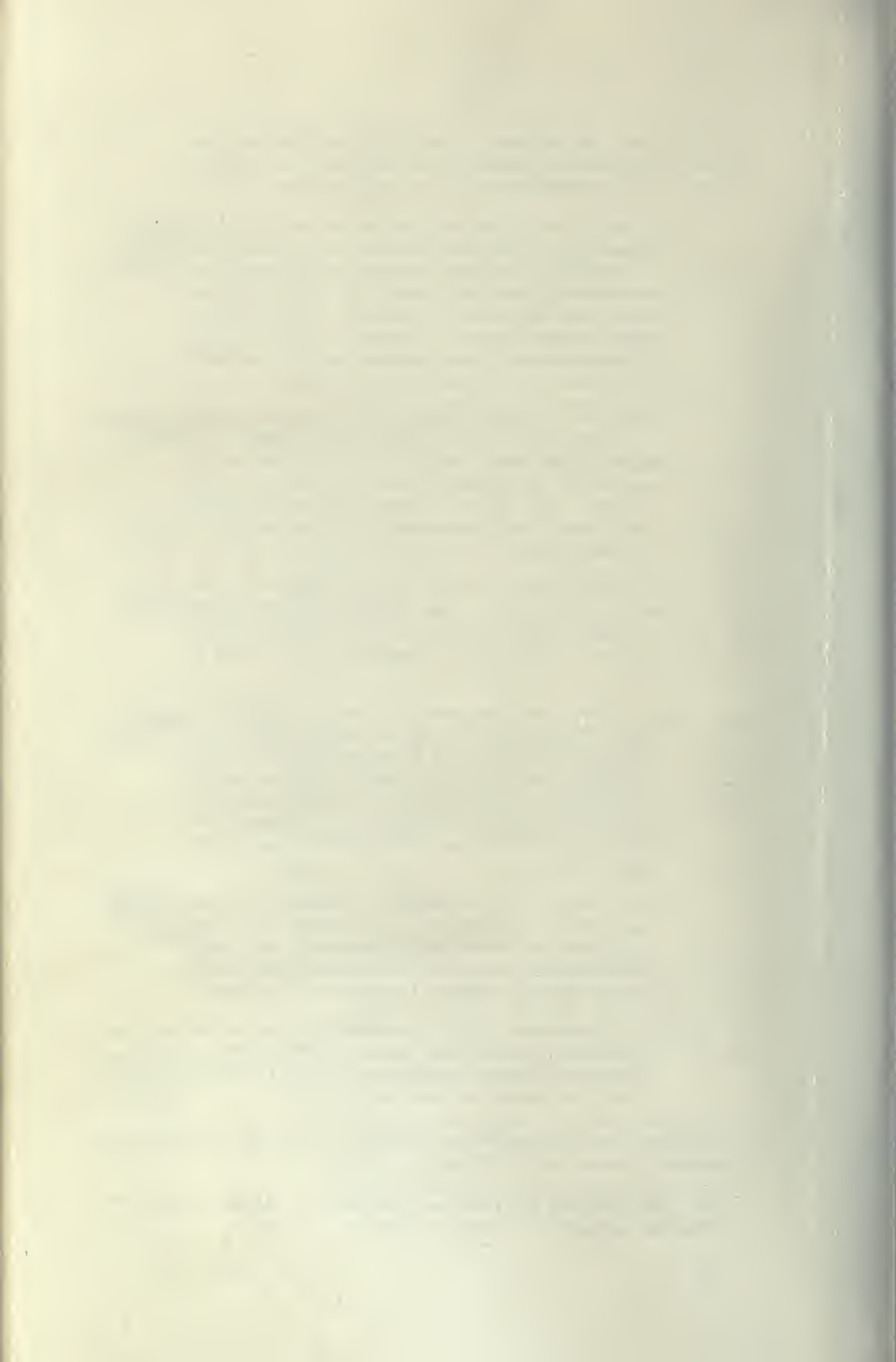
- (b) where, in the opinion of the Director, the husband may benefit from rehabilitation services under *The Rehabilitation Services Act, 1955*, the Director may recommend the husband for such services and continue payment of the allowance to the mother for a period

of not more than twelve months after the month following that in which the husband commences to receive such services.

- (5) Where a foster mother qualifies for an allowance, Allowance for permanently unemployed father an additional allowance may be paid in respect of the father of the child or children if he is permanently unemployable and is living with the child or children who are in the care of the foster mother, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the foster mother under this Act ceases to be paid.
- (6) No allowance shall be paid under this Act in respect of a child under eighteen years of age, other than a Allowances in respect of children child coming within subsection 7 or under school age, unless the child is attending school or is on vacation from school and the Director is satisfied that the child will return to school at the end of the vacation period
- (7) Notwithstanding subsection 6, an allowance may be Children under disability paid in respect of a child who is unable to attend school by reason of a mental or physical disability, but not after the child becomes eighteen years of age.
- (8) In cases presenting special circumstances and in Special cases which investigation shows the advisability of an allowance being granted in respect of one or more children dependent upon a mother or foster mother who is not strictly eligible for an allowance under this section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother or foster mother.
- (9) The Director may, from time to time, vary the amount of any allowance directed to be paid under an Order in Council heretofore made and shall Amount of allowances in special cases determine the amount of any allowance directed to be paid under an Order in Council hereafter made.
- (10) The provisions of this Act and the regulations Provisions of Act respecting payment of allowances applicable in special cases respecting the payment of allowances apply to allowances directed to be paid under Orders in Council heretofore or hereafter made.

2. This Act comes into force on the day it receives Royal Commencement Assent.

3. This Act may be cited as *The Mothers' Allowances* Short title *Amendment Act, 1955.*



BILL

An Act to amend 'The Mothers'
Allowances Act, 1952

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. GOODFELLOW

No. 62

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Forest Fires Prevention Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The name of these areas is changed from "travel permit area" to "forest travel permit area" and the name of the permit is changed from "travel permit" to "forest travel permit" as being more truly descriptive and to make it clear that these permits do not affect highway travel in any way.

No. 62

1955

BILL

An Act to amend The Forest Fires Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat., c. 144, s. 1, amended

(cc) "forest travel permit area" means such parts of Ontario as are declared to be forest travel permit areas under section 9.

(2) Clause *i* of the said section 1, as re-enacted by subsection 2 of section 1 of *The Forest Fires Prevention Amendment Act, 1952*, is repealed. Rev. Stat., c. 144, s. 1, cl. i (1952, c. 31, s. 1, subs. 2), repealed

2. Section 9 as re-enacted by section 3 of *The Forest Fires Prevention Amendment Act, 1952* and amended by section 3 of *The Forest Fires Prevention Amendment Act, 1953*, and section 10 of *The Forest Fires Prevention Act* are repealed and the following substituted therefor: Rev. Stat., c. 144, s. 9 (1952, c. 31, s. 3), s. 10, re-enacted

FOREST TRAVEL PERMITS

9.—(1) The Lieutenant-Governor in Council may declare parts of Ontario that are within one or more fire districts to be forest travel permit areas. Creation of forest travel permit areas

(2) Upon application, an officer may issue, without charge and on such terms and conditions as he deems proper, a permit called a forest travel permit authorizing the permittee to enter and travel about during a fire season in a forest travel permit area or such part thereof as is designated in the permit. Issue of forest travel permits

(3) Notwithstanding subsection 3 of section 7, an officer, under the terms and conditions of a forest travel permit, may prohibit the permittee from setting out fire for the purpose of cooking or obtaining warmth. Setting out fires

Travel
prohibited
except under
permit

- (4) No person shall enter and travel about in a forest travel permit area during a fire season except under and in accordance with the terms and conditions of his forest travel permit and in accordance with the regulations.

Duration

- 10.—(1) A forest travel permit may be limited as to duration but in any event expires on the 31st day of March next following the date of its issue.

Cancellation
and
suspension

- (2) A forest travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set by him and leave the forest travel permit area.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Forest Fires Prevention Amendment Act, 1955*.



BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 62

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Forest Fires Prevention Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 62

1955

BILL

An Act to amend The Forest Fires Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat., c. 144, s. 1, amended

(cc) "forest travel permit area" means such parts of Ontario as are declared to be forest travel permit areas under section 9.

(2) Clause *i* of the said section 1, as re-enacted by sub-section 2 of section 1 of *The Forest Fires Prevention Amendment Act, 1952*, is repealed. Rev. Stat., c. 144, s. 1, cl. *i* (1952, c. 31, s. 1, subs. 2), repealed

2. Section 9, as re-enacted by section 3 of *The Forest Fires Prevention Amendment Act, 1952* and amended by section 3 of *The Forest Fires Prevention Amendment Act, 1953*, and section 10 of *The Forest Fires Prevention Act* are repealed and the following substituted therefor: Rev. Stat., c. 144, s. 9 (1952, c. 31, s. 3): s. 10, re-enacted

FOREST TRAVEL PERMITS

9.—(1) The Lieutenant-Governor in Council may declare parts of Ontario that are within one or more fire districts to be forest travel permit areas. Creation of forest travel permit areas

(2) Upon application, an officer may issue, without charge and on such terms and conditions as he deems proper, a permit called a forest travel permit authorizing the permittee to enter and travel about during a fire season in a forest travel permit area or such part thereof as is designated in the permit. Issue of forest travel permits

(3) Notwithstanding subsection 3 of section 7, an officer, under the terms and conditions of a forest travel permit, may prohibit the permittee from setting out fire for the purpose of cooking or obtaining warmth. Setting out fires

Travel
prohibited
except under
permit

- (4) No person shall enter and travel about in a forest travel permit area during a fire season except under and in accordance with the terms and conditions of his forest travel permit and in accordance with the regulations.

Duration

- 10.—(1) A forest travel permit may be limited as to duration but in any event expires on the 31st day of March next following the date of its issue.

Cancellation
and
suspension

- (2) A forest travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set by him and leave the forest travel permit area.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1955*.

BILL

An Act to amend The Forest Fires
Prevention Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. MAPLEDORAM

No. 63

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Lakes and Rivers Improvement Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Complementary to section 2 of this bill.

SECTION 2. The section is brought into line with section 9 of the Act. Heretofore the dimensions, etc., of these timber slides have been fixed by the regulations.

SECTION 3. Complementary to section 2 of this bill.

SECTION 4. Self-explanatory.

No. 63

1955

BILL

An Act to amend The Lakes and Rivers Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed. Rev. Stat., c. 195, s. 2, subs. 1, cl. *b*, repealed

2. Section 20 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature", so that the section shall read as follows: Rev. Stat., c. 195, s. 20, amended

20. Where a dam is now or shall hereafter be erected on or across any lake or river down which timber is usually floated such dam shall at all times be provided with a slide or apron for the passage of timber of such description and dimensions as shall be approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature. Provision for passage of timber

3. Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 195, s. 22, subs. 1, re-enacted

(1) The owner and occupier of a dam who does not provide, maintain and keep in repair a slide or apron thereto in accordance with such description and dimensions as are approved by the Minister under section 20 is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day on which the default occurs or during which it continues. Penalty for not providing slide or apron

4. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 195, amended

Throwing
trees, etc.,
into lake
or river
prohibited

- 30a. Where an officer of the Department of Lands and Forests finds that any tree, part of a tree, refuse, substance or matter has been thrown or deposited into a lake or river or on the shores or banks thereof in such a manner as in his opinion impairs the natural beauty of the lake or river, he may, if authorized by the Minister to do so, order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof, and any person who fails to comply with any such order is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day that he does not comply with the order.

Short title

5. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1955*.

BILL

An Act to amend The Lakes and Rivers
Improvement Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 63

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Lakes and Rivers Improvement Act

MR. MAPLEDORAM

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 63

1955

BILL

An Act to amend The Lakes and Rivers Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 2 of *The Lakes and Rivers Improvement Act* is repealed. Rev. Stat.,
c. 195, s. 2,
subs. 1, cl. b,
repealed

2. Section 20 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature", so that the section shall read as follows: Rev. Stat.,
c. 195, s. 20,
amended

20. Where a dam is now or shall hereafter be erected on or across any lake or river down which timber is usually floated such dam shall at all times be provided with a slide or apron for the passage of timber of such description and dimensions as shall be approved by the Minister and such approval shall be deemed to be of an administrative and not of a legislative nature. Provision for
passage of
timber

3. Subsection 1 of section 22 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 195, s. 22,
subs. 1,
re-enacted

(1) The owner and occupier of a dam who does not provide, maintain and keep in repair a slide or apron thereto in accordance with such description and dimensions as are approved by the Minister under section 20 is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day on which the default occurs or during which it continues. Penalty
for not
providing
slide or
apron

4. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 195,
amended

Throwing
trees, etc.,
into lake
or river
prohibited

30a. Where an officer of the Department of Lands and Forests finds that any tree, part of a tree, refuse, substance or matter has been thrown or deposited into a lake or river or on the shores or banks thereof in such a manner as in his opinion impairs the natural beauty of the lake or river, he may, if authorized by the Minister to do so, order the person who committed or caused the commission of such act to take such steps within the time specified in the order as are necessary to remove the tree, part of a tree, refuse, substance or matter from the lake or river or from the shores or banks thereof, and any person who fails to comply with any such order is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day that he does not comply with the order.

Short title

5. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1955*.

BILL

An Act to amend The Lakes and Rivers
Improvement Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. MAPLEDORAM

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Provincial Land Tax Act

MR. MAPLEDORAM

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This new section is designed to provide a means of giving relief in cases where land that is under the Act becomes part of an organized municipality and therefore no longer under the Act.

SECTION 2. The last day for sending out tax bills is extended from December 1st to January 15th.

SECTION 3. This amendment gives more time in which to publish in *The Ontario Gazette* the list of persons to whom notice of forfeiture has been sent.

No. 64

1955

BILL

An Act to amend The Provincial Land Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Land Tax Act* is amended by adding thereto the following section: Rev. Stat., c. 298, amended

3a. The Lieutenant-Governor in Council may cancel, reduce or refund any part of the annual tax in respect of any part of a year in which taxes are not payable under section 2. Refunds, etc.

2. Subsection 1 of section 17 of *The Provincial Land Tax Act* is amended by striking out the words "on or before the 1st day of December in the year preceding that for which the tax is payable" in the fourth and fifth lines and inserting in lieu thereof the words "on or before the 15th day of January in the year for which the tax is payable", so that the subsection shall read as follows: Rev. Stat., c. 298, s. 17, subs. 1, amended

(1) The annual tax imposed by this Act shall be for the calendar year and a tax bill shall be mailed by the Collector post paid to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable, and such tax bill shall show the assessed value of the land, the rate of taxation, the amount of the tax payable and such other information as may be prescribed. Tax bills

3. Subsection 2 of section 21 of *The Provincial Land Tax Act*, as re-enacted by section 2 of *The Provincial Land Tax Amendment Act, 1952*, is amended by striking out the word "October" in the fifth line and inserting in lieu thereof the word "December", so that the subsection shall read as follows: Rev. Stat., c. 298, s. 21 (1952, c. 80, s. 2), subs. 2, amended

(2) The Collector shall cause to be prepared a list of the lands in respect of which notices under subsection 1 Publication of notice

have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that unless the total amount of tax, penalties, interest and costs shown therein are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office.

Short title

4. This Act may be cited as *The Provincial Land Tax Amendment Act, 1955*.

BILL

An Act to amend The Provincial
Land Tax Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. MAPLEDORAM

No. 64

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Provincial Land Tax Act

MR. MAPLEDORAM

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

No. 64

1955

BILL

An Act to amend The Provincial Land Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Land Tax Act* is amended by adding thereto the following section: Rev. Stat., c. 298, amended

3a. The Lieutenant-Governor in Council may cancel, reduce or refund any part of the annual tax in respect of any part of a year in which taxes are not payable under section 2. Refunds, etc.

2. Subsection 1 of section 17 of *The Provincial Land Tax Act* is amended by striking out the words "on or before the 1st day of December in the year preceding that for which the tax is payable" in the fourth and fifth lines and inserting in lieu thereof the words "on or before the 15th day of January in the year for which the tax is payable", so that the subsection shall read as follows: Rev. Stat., c. 298, s. 17, subs. 1, amended

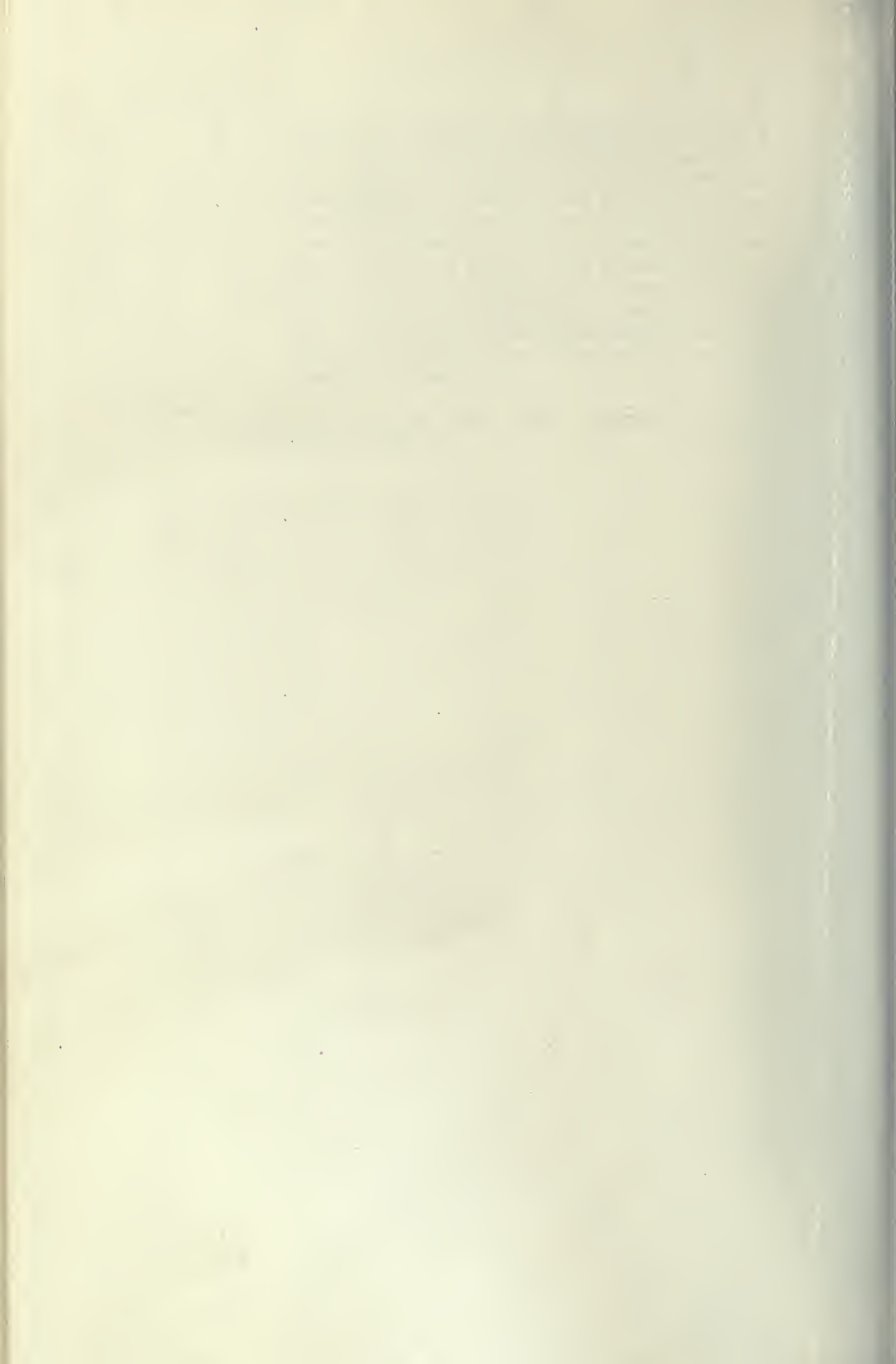
(1) The annual tax imposed by this Act shall be for the calendar year and a tax bill shall be mailed by the Collector post paid to every owner of land subject to taxation at his last known address on or before the 15th day of January in the year for which the tax is payable, and such tax bill shall show the assessed value of the land, the rate of taxation, the amount of the tax payable and such other information as may be prescribed. Tax bills

3. Subsection 2 of section 21 of *The Provincial Land Tax Act*, as re-enacted by section 2 of *The Provincial Land Tax Amendment Act, 1952*, is amended by striking out the word "October" in the fifth line and inserting in lieu thereof the word "December", so that the subsection shall read as follows: Rev. Stat., c. 298, s. 21 (1952, c. 80, s. 2), subs. 2, amended

(2) The Collector shall cause to be prepared a list of the lands in respect of which notices under subsection 1 Publication of notice

have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that unless the total amount of tax, penalties, interest and costs shown therein are paid on or before the 31st day of August in the year next following the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate of the Deputy Minister under his hand and seal of office.

Short title **4.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1955*.



BILL

An Act to amend The Provincial
Land Tax Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

MR. MAPLEDORAM

No. 65

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Conservation Authorities Act

MR. WARRENDER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

The section as re-enacted is more appropriate having regard to the fact that some schemes involve comparatively small sums of money while others involve large sums with extended financing.

No. 65

1955

BILL

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Conservation Authorities Act*, as Rev. Stat., c. 62, s. 14, re-enacted amended by section 5 of *The Conservation Authorities Amendment Act, 1952*, is repealed and the following substituted therefor:

14. Before proceeding with a scheme which is to be Approval of scheme financed by funds raised and spent by the authority during the current year, the authority shall file plans and a description thereof with and obtain the approval in writing of the Minister, and where any portion of the cost of a scheme is to be raised in a subsequent year or years, shall also obtain the approval of the Ontario Municipal Board.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Conservation Authorities* Short title *Amendment Act, 1955*.

BILL

An Act to amend The Conservation
Authorities Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. WARRENDER

No. 65

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Conservation Authorities Act

MR. WARRENDER

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No. 65

1955

BILL

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Conservation Authorities Act*, as amended by section 5 of *The Conservation Authorities Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 14, re-enacted

14. Before proceeding with a scheme which is to be financed by funds raised and spent by the authority during the current year, the authority shall file plans and a description thereof with and obtain the approval in writing of the Minister, and, where any portion of the cost of a scheme is to be raised in a subsequent year or years, shall also obtain the approval of the Ontario Municipal Board. Approval of scheme

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1955*. Short title

BILL

An Act to amend The Conservation
Authorities Act

1st Reading

February 24th, 1955

2nd Reading

March 15th, 1955

3rd Reading

March 23rd, 1955

MR. WARRENDER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Research Council Act, 1948

MR. WARRENDER

TORONTO
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EXPLANATORY NOTE

The purposes of the Research Council of Ontario will be carried on by the Ontario Research Foundation. See Bill No. 67.

No. 66

1955

BILL

An Act to repeal The Research Council Act, 1948

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Council Act, 1948* and *The Research Council Amendment Act, 1953* are repealed. 1948, c. 79;
1953, c. 94,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Research Council Repeal Act, 1955*. Short title

BILL

An Act to repeal The Research
Council Act, 1948

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. WARENDER

No. 66

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to repeal The Research Council Act, 1948

MR. WARRENDER

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No. 66

1955

BILL

An Act to repeal The Research Council Act, 1948

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Council Act, 1948*, section 20 of *The Statute Law Amendment Act, 1950* and *The Research Council Amendment Act, 1953* are repealed. 1948, c. 79;
1950,
c. 79, s. 20;
1953, c. 94,
repealed

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Research Council Repeal Act, 1955*. Short title

BILL

An Act to repeal The Research
Council Act, 1948

1st Reading

February 24th, 1955

2nd Reading

March 16th, 1955

3rd Reading

March 23rd, 1955

MR. WARRENDER

No. 67

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Research Foundation Act, 1944

MR. WARRENDER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. This power is new. Heretofore these scholarships have been established and administered by the Research Council of Ontario.

SECTION 2. This section is brought into line with the established practices that apply to the annual reports of organizations of this kind.

No. 67

1955

BILL

An Act to amend The Research Foundation Act, 1944

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Foundation Act, 1944* is amended by adding ^{1944, c. 53, amended} thereto the following section:

13a. The Foundation may establish and administer ^{Scholarships} scholarships to assist in the training of research and scientific workers.

2. Section 20 of *The Research Foundation Act, 1944* is ^{1944, c. 53, s. 20, re-enacted} repealed and the following substituted therefor:

20.—(1) The Foundation shall, after the close of each ^{Annual report} fiscal year, file with the Provincial Secretary an annual report which shall include a financial statement, a description of the work of the Foundation during the previous year and such other information as the Lieutenant-Governor in Council may require.

(2) The Provincial Secretary shall submit the report to ^{Idem} the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Research Foundation* ^{Short title} *Amendment Act, 1955.*

BILL

An Act to amend The Research
Foundation Act, 1944

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. WARRENDER

No. 67

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Research Foundation Act, 1944

MR. WARRENDER

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No. 67

1955

BILL

An Act to amend The Research Foundation Act, 1944

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Research Foundation Act, 1944* is amended by adding ^{1944, c. 53, amended} thereto the following section:

13a. The Foundation may establish and administer ^{Scholarships} scholarships to assist in the training of research and scientific workers.

2. Section 20 of *The Research Foundation Act, 1944* is ^{1944, c. 53, s. 20, re-enacted} repealed and the following substituted therefor:

20.—(1) The Foundation shall, after the close of each ^{Annual report} fiscal year, file with the Provincial Secretary an annual report which shall include a financial statement, a description of the work of the Foundation during the previous year and such other information as the Lieutenant-Governor in Council may require.

(2) The Provincial Secretary shall submit the report to ^{idem} the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

3. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

4. This Act may be cited as *The Research Foundation* ^{Short title} *Amendment Act, 1955.*

BILL

An Act to amend The Research
Foundation Act, 1944

1st Reading

February 24th, 1955

2nd Reading

March 16th, 1955

3rd Reading

March 23rd, 1955

MR. WARRENDER

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Gasoline Tax Act

MR. FROST (Victoria)

EXPLANATORY NOTE

This bill transfers the administration of the Act from the Minister of Highways to the Treasurer of Ontario.

No. 68

1955

BILL

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Tax Act* is amended by striking out the words "Minister of Highways" and inserting in lieu thereof the words "Treasurer of Ontario", so that the clause shall read as follows:

Rev. Stat.,
c. 157, s. 1,
cl. *b*,
amended

(*b*) "Minister" means Treasurer of Ontario.

2. This Act comes into force on the 1st day of April, 1955.

Commence-
ment

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1955*.

Short title

BILL

An Act to amend The Gasoline Tax Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 68

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Gasoline Tax Act

MR. FROST (Victoria)

TORONTO
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No. 68

1955

BILL

An Act to amend The Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Tax Act* is amended <sup>Rev. Stat.,
c. 157, s. 1,
cl. *b*,
amended</sup> by striking out the words "Minister of Highways" and inserting in lieu thereof the words "Treasurer of Ontario", so that the clause shall read as follows:

(*b*) "Minister" means Treasurer of Ontario.

2. This Act comes into force on the 1st day of April, 1955. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1955*. ^{Short title}

BILL

An Act to amend The Gasoline Tax Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

Mr. Frost (Victoria)

No. 69

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Gasoline Handling Act

MR. FROST (Victoria)

TORONTO
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EXPLANATORY NOTE

This bill transfers the administration of the Act from the Minister of Highways to the Treasurer of Ontario.

BILL

An Act to amend The Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Handling Act* Rev. Stat., c. 156, s. 1. is amended by striking out the words "Minister of Highways" cl. b, amended and inserting in lieu thereof the words "Treasurer of Ontario", so that the clause shall read as follows:

(*b*) "Minister" means Treasurer of Ontario.

2. Section 6 of *The Gasoline Handling Act* is amended by Rev. Stat., c. 156, s. 6, amended striking out the words "Department of Highways" in the fifth line and inserting in lieu thereof the words "Treasury Department", so that the section shall read as follows:

6. When gasoline is shipped from a place out of Ontario Returns of persons receiving importations of gasoline to a place within Ontario, by means of a carrier, the person receiving the gasoline in Ontario shall obtain and retain the bill of lading issued for the shipment and show it to any officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, on his request, provided that the inspection shall be made within two years from the receiving of the gasoline, and when the shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving the gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made.

3. Section 10 of *The Gasoline Handling Act* is amended Rev. Stat., c. 156, s. 10, amended by striking out the words "Department of Highways" in the first line and inserting in lieu thereof the words "Treasury Department", so that the section, exclusive of the clauses, shall read as follows:

Inspection

10. Every officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,

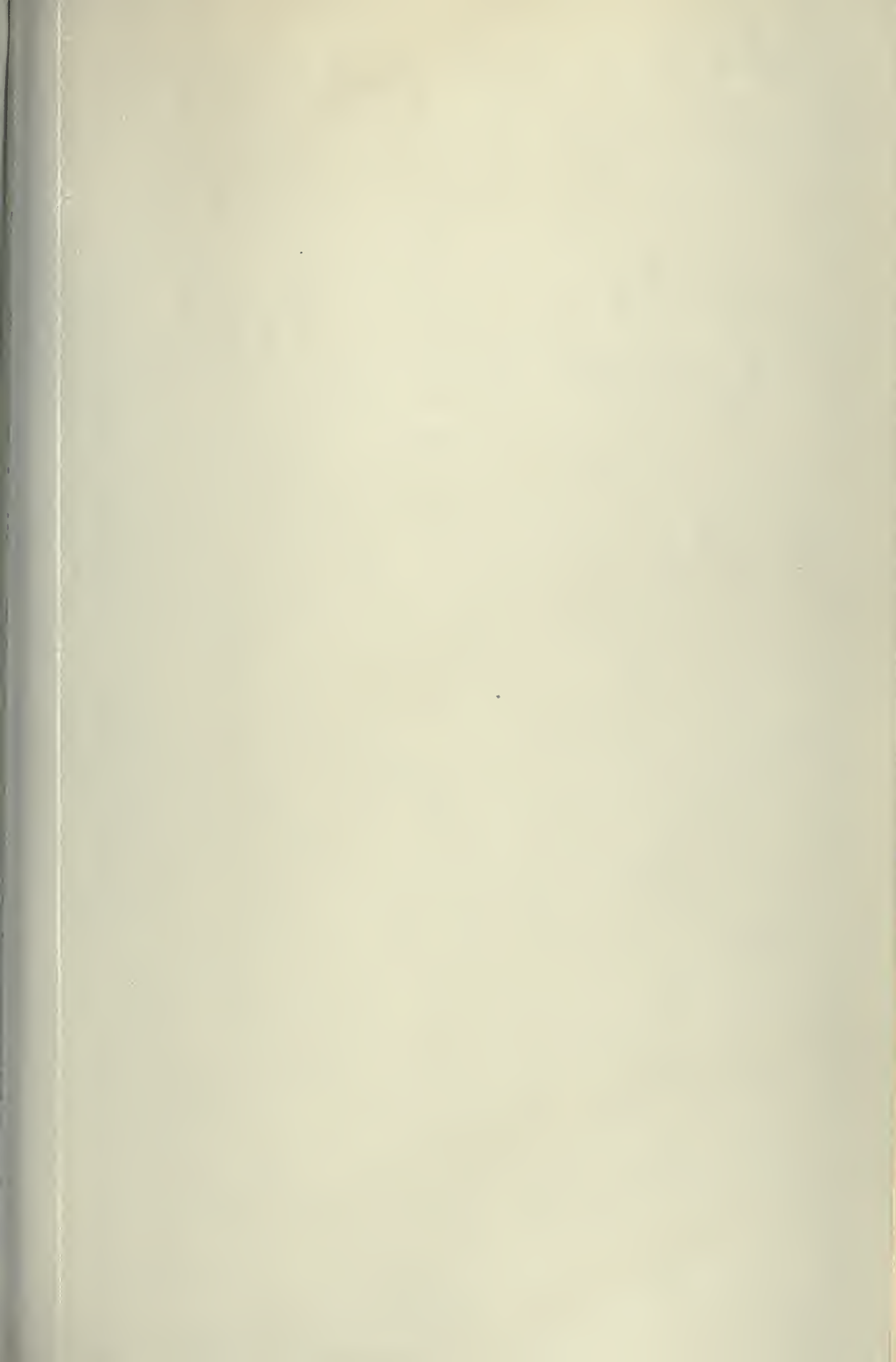
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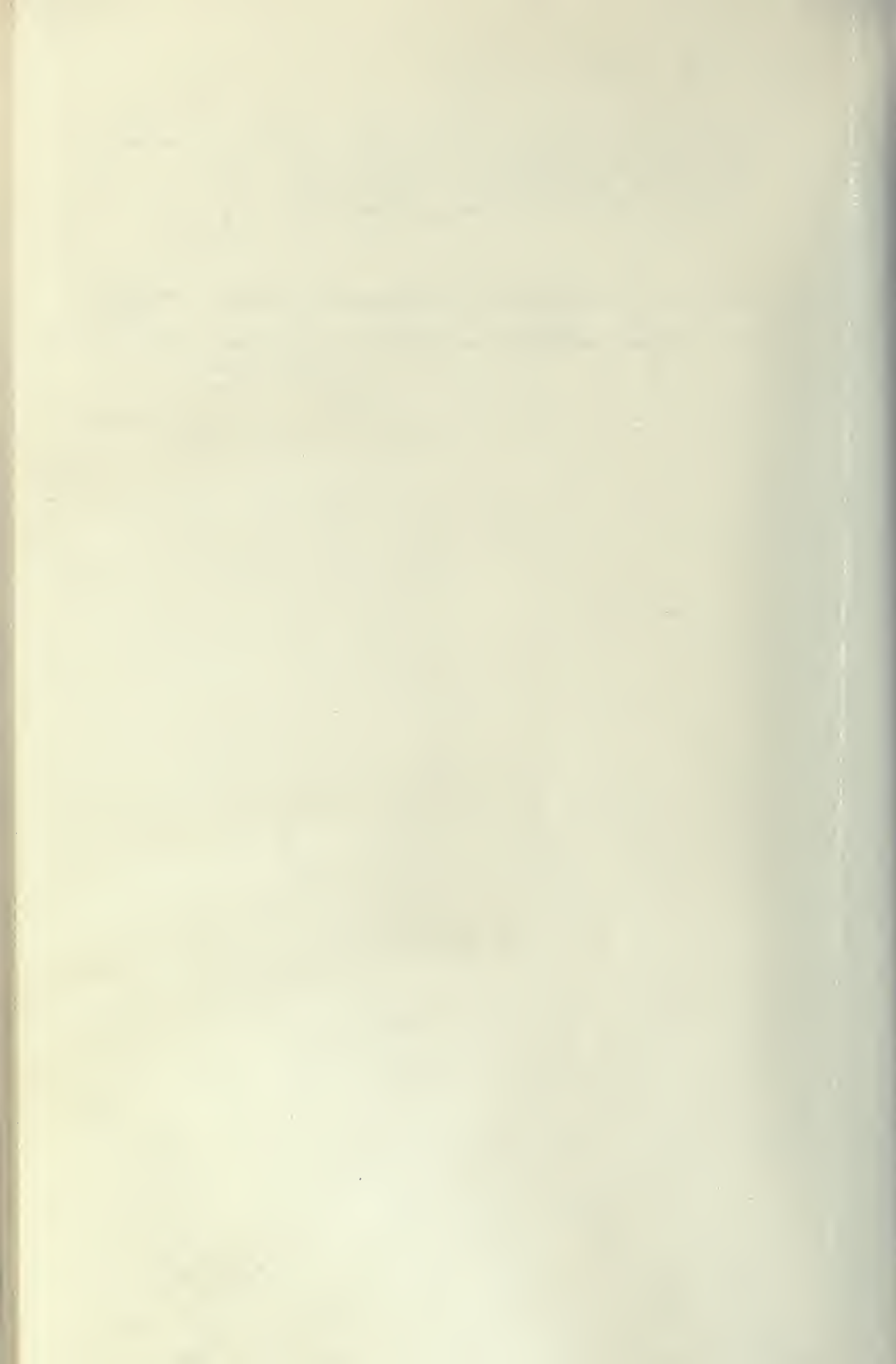
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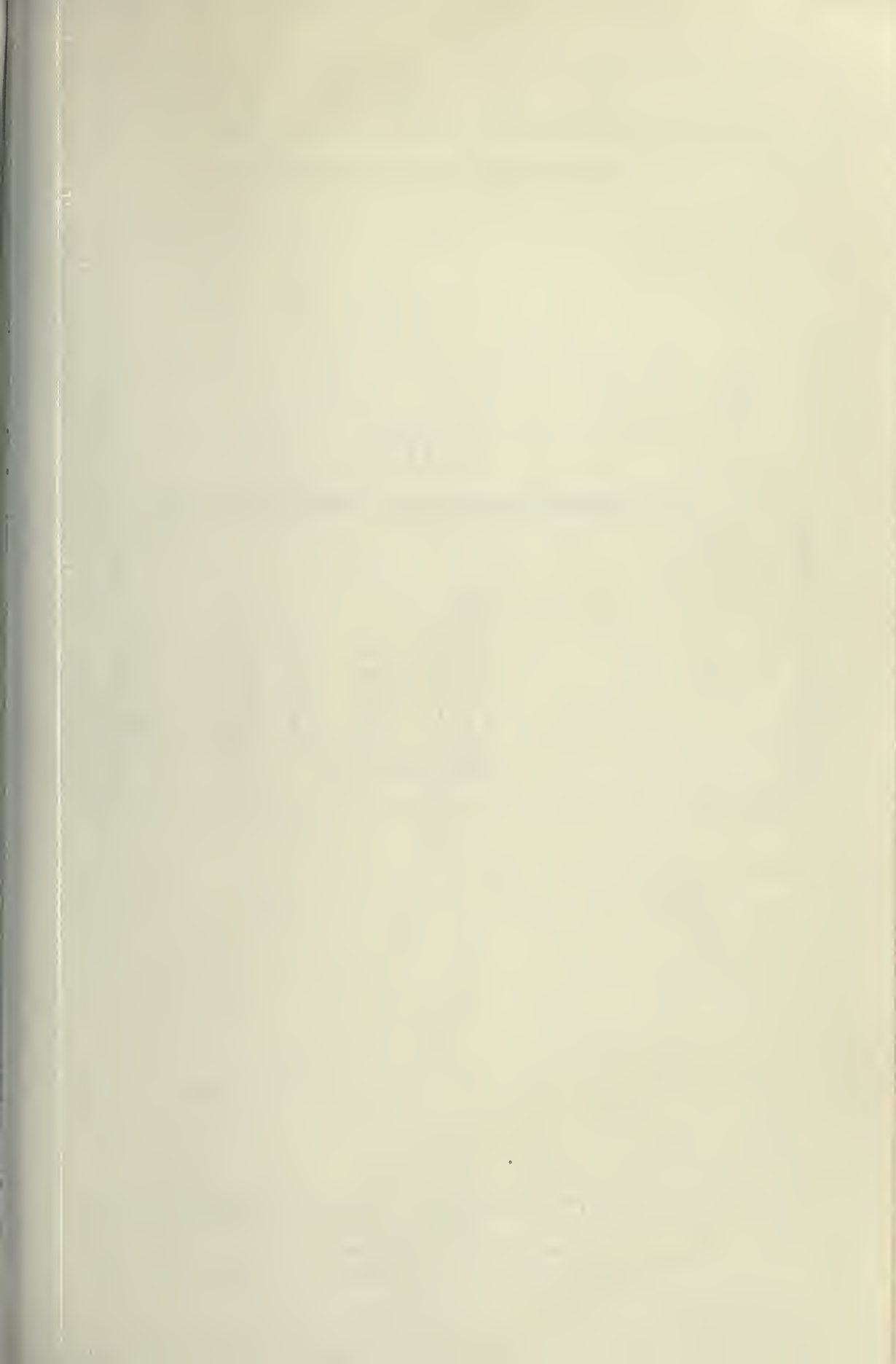
4. This Act comes into force on the 1st day of April, 1955.

Short title

5. This Act may be cited as *The Gasoline Handling Amendment Act, 1955*.







BILL
An Act to amend The Gasoline
Handling Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

MR. FROST (Victoria)

No. 69

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Gasoline Handling Act

MR. FROST (Victoria)

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No. 69

1955

BILL

An Act to amend The Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Gasoline Handling Act* Rev. Stat., c. 156, s. 1. is amended by striking out the words "Minister of Highways", cl. b, and inserting in lieu thereof the words "Treasurer of Ontario", amended so that the clause shall read as follows:

(*b*) "Minister" means Treasurer of Ontario.

2. Section 6 of *The Gasoline Handling Act* is amended by Rev. Stat., c. 156, s. 6, striking out the words "Department of Highways" in the amended fifth line and inserting in lieu thereof the words "Treasury Department", so that the section shall read as follows:

6. When gasoline is shipped from a place out of Ontario Returns of persons receiving importations of gasoline to a place within Ontario, by means of a carrier, the person receiving the gasoline in Ontario shall obtain and retain the bill of lading issued for the shipment and show it to any officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, on his request, provided that the inspection shall be made within two years from the receiving of the gasoline, and when the shipment is made by land or water by means of a conveyance belonging to or controlled by the shipper or by the consignee, the person receiving the gasoline in Ontario shall state in his return to the Minister the means of conveyance, the points of shipment and destination, and if the shipment is made by water, the name of the vessel in which it is made.

3. Section 10 of *The Gasoline Handling Act* is amended Rev. Stat., c. 156, s. 10, by striking out the words "Department of Highways" in the amended first line and inserting in lieu thereof the words "Treasury Department", so that the section, exclusive of the clauses, shall read as follows:

Inspection

10. Every officer of the Treasury Department having general charge of the carrying out of this Act and the regulations, and every inspector and any other person specially authorized by the Minister, may,

.

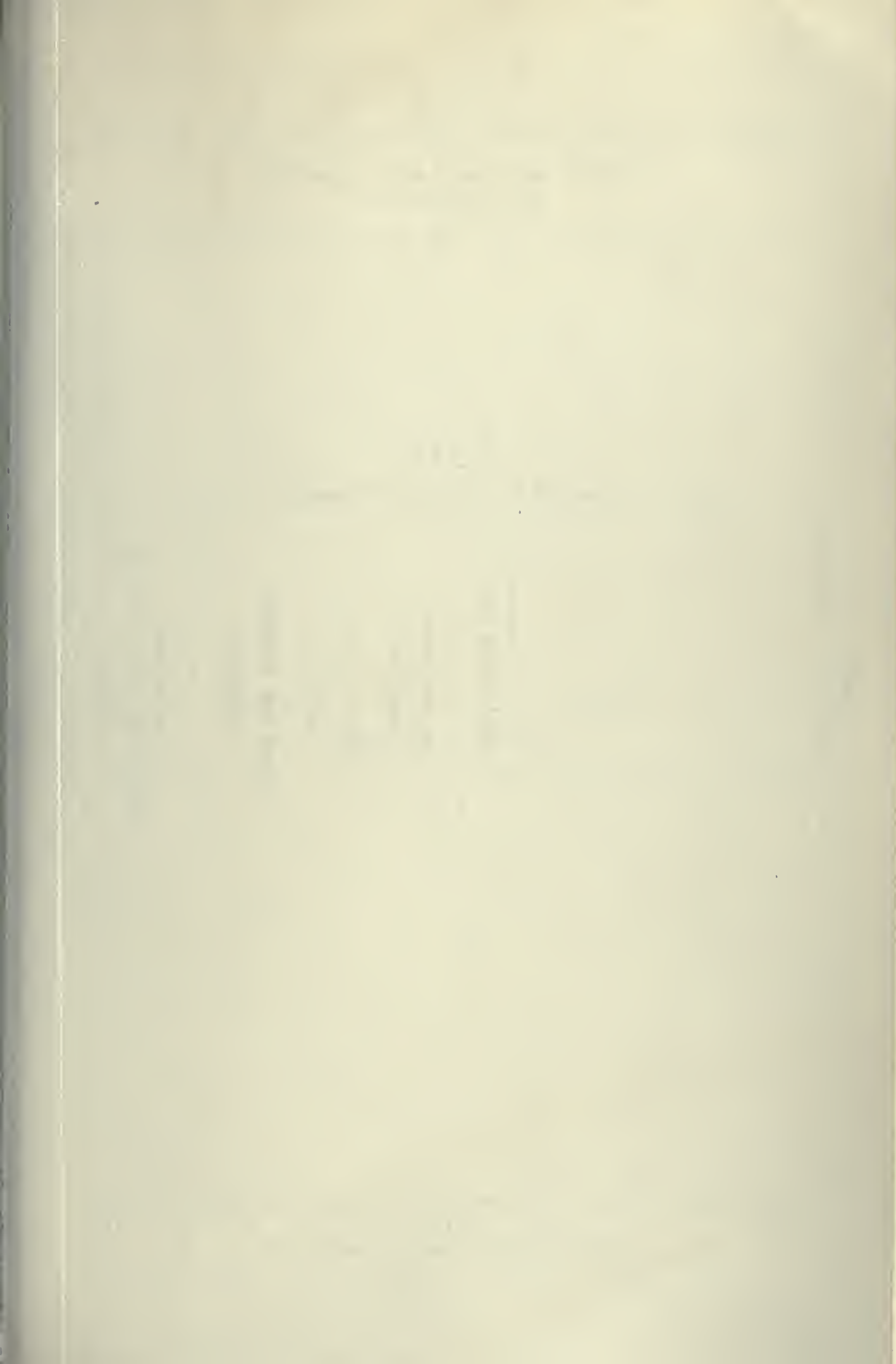
Commence-
ment

4. This Act comes into force on the 1st day of April, 1955.

Short title

5. This Act may be cited as *The Gasoline Handling Amendment Act, 1955*.





BILL

An Act to amend The Gasoline
Handling Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

Mr. Frost (Victoria)

No. 70

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL
An Act to amend The Security Transfer Tax Act

MR. FROST (Victoria)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

This bill extends the exemption from tax under this Act to securities issued or guaranteed as to principal and interest by municipalities in Ontario.

No. 70

1955

BILL

An Act to amend The Security Transfer Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act*, as re-enacted by section 1 of *The Security Transfer Tax Amendment Act, 1954*, is amended by adding at the end thereof the words "or any municipality in Ontario", so that the clause shall read as follows:

Rev. Stat.,
c. 352, s. 5,
subs. 1,
cl. *a*
(1954,
c. 88, s. 1),
amended

- (a) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada or any municipality in Ontario.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Security Transfer Tax Amendment Act, 1955*.

Short title

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

February 24th, 1955

2nd Reading

3rd Reading

Mr. Frost (Victoria)

No. 70

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Security Transfer Tax Act

MR. FROST (Victoria)

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This bill extends the exemption from tax under this Act to securities issued or guaranteed as to principal and interest by municipalities in Ontario.

No. 70

1955

BILL

An Act to amend The Security Transfer Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act*, as re-enacted by section 1 of *The Security Transfer Tax Amendment Act, 1954*, is amended by adding at the end thereof the words "or any municipality or school board in Ontario", so that the clause shall read as follows:

Rev. Stat.,
c. 352, s. 5,
subs. 1,
cl. *a*
(1954,
c. 88, s. 1),
amended

- (a) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada or any municipality or school board in Ontario.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Security Transfer Tax Amendment Act, 1955*. Short title

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

Mr. Frost (Victoria)

*(Reprinted as amended by the Committee
of the Whole House)*

No. 70

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Security Transfer Tax Act

MR. FROST (Victoria)

TORONTO
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No. 70

1955

BILL

An Act to amend The Security Transfer Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 5 of *The Security Transfer Tax Act*, as re-enacted by section 1 of *The Security Transfer Tax Amendment Act, 1954*, is amended by adding at the end thereof the words "or any municipality or school board in Ontario", so that the clause shall read as follows:

- (a) the sale, transfer or assignment of any bond, debenture or share of a debenture stock issued by or guaranteed as to principal and interest by Canada or any province of Canada or any municipality or school board in Ontario.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Security Transfer Tax Amendment Act, 1955*.

BILL

An Act to amend The Security Transfer
Tax Act

1st Reading

February 24th, 1955

2nd Reading

March 14th, 1955

3rd Reading

March 18th, 1955

Mr. Frost (Victoria)

No. 71

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Act

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. This amendment permits the Board to deal with the composition of local boards when the Board is dividing or redividing the municipality into wards in the same manner as the Board now does when it orders a change in municipal boundaries.

Section 2. The Municipal Board is empowered to make an order with respect to the matters in the new clause 1.

SECTION 3. Section 53a of the Act provides for the composition of a council of a village or township in districts. The amendment is to make it clear that section 53 deals with counties only.

No. 71

1955

BILL

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection: Rev. Stat., c. 243, s. 13 (1954, c. 56, s. 1), amended

(3) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary. Idem Rev. Stat., c. 96

2. Subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following clause: Rev. Stat., c. 243, s. 14 (1954, c. 56, s. 1), subs. 10, amended

(i) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

3. Subsection 1 of section 53 of *The Municipal Act* is amended by adding at the commencement thereof the words "In a county", so that the subsection shall read as follows: Rev. Stat., c. 243, s. 53, subs. 1, amended

Councils of
villages and
townships
in counties

- (1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 243, s. 59,
amended

4. Section 59 of *The Municipal Act* is amended by striking out the figures and word "62, 63 and 64" in the first line and inserting in lieu thereof the figures and word "62 and 63".

Rev. Stat.,
c. 243, s. 64,
repealed

5. Section 64 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 68,
repealed

6. Section 68 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 70,
subs. 4,
amended

7. Subsection 4 of section 70 of *The Municipal Act* is amended by striking out the words "attached thereto" in the second line, so that the subsection shall read as follows:

When
proposed
candidate
absent

- (4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is evidence satisfactory to the returning officer that he consents to be so nominated.

Rev. Stat.,
c. 243, s. 77,
re-enacted

8. Section 77 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor:

Two-year
term

- 77.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years.

Biennial
elections;
staggered
system

- (2) A by-law passed under subsection 1 may provide,
(a) for biennial elections, in which case an election shall be held every two years; or
(b) for the staggered system of elections in which case an election shall be held every year.

Biennial
elections

- (3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term.

Staggered
system

- (4) Where the by-law provides for the staggered system,
(a) the mayor, the reeve and the deputy reeve or deputy reeves elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term;

SECTION 4. The reference to section 64 is deleted as the section is repealed in this bill.

SECTION 5. Similar provisions contained in subsections 2 and 3 of section 16 of *The Election Act, 1951* were repealed during the 1954 session of the Legislature because if strictly interpreted they would disenfranchise persons who should be able to vote.

SECTION 6. The authority contained in this section was given to the Ontario Municipal Board by the amendment to Part I of *The Municipal Act* during the 1954 session of the Legislature. The section is, therefore, repealed.

SECTION 7. The amendment dispenses with the necessity of having the evidence actually attached to the nomination paper.

SECTION 8. The amendment is a revision of the provisions dealing with biennial elections and the staggered system in order to clarify the procedures.

- (b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;
 - (c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each such member shall be elected for a two-year term;
 - (d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each such member shall be elected for a two-year term;
 - (e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.
- (5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the

question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Local boards

Rev. Stat.,
c. 96

- (6) Where a by-law has been or is passed under subsection 1, the council may by by-law provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 shall apply *mutatis mutandis*.

Time for
passing
by-law
under
subs. 6

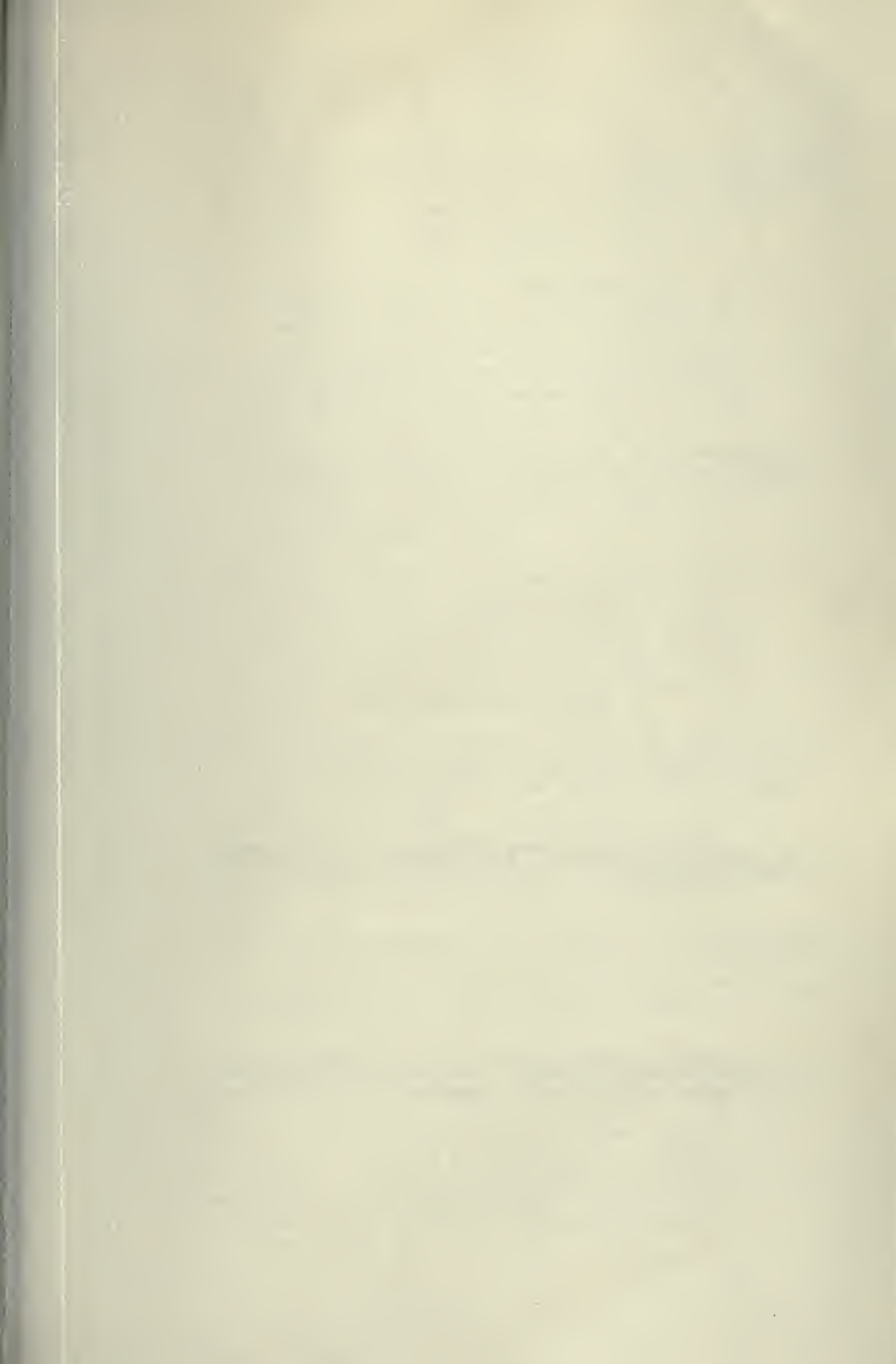
- (7) A by-law under subsection 6 shall be passed not later in the year than the 1st day of November, and
- (a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;
 - (b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year.

Time for
passing
by-law;
assent of
electors

- (8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors.

Repeal

- (9) Subject to section 77a, where a by-law passed under subsection 1 is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the repealing by-law is passed and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1.



SECTION 9. Section 503 provides that in a police village the trustees shall appoint a returning officer. Section 80 is made subject to section 503.

SECTION 10. Voters' lists are now prepared according to streets and numbers, or lots and concessions. The amendment provides for the designation of polling places in the same manner.

77a.—(1) Notwithstanding any general or special Act, ^{Change from biennial to staggered system} where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections.

(2) Where a by-law is passed under subsection 1, the ^{Idem} members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 77 shall apply *mutatis mutandis*.

(3) Notwithstanding any general or special Act, where a ^{Change from staggered to biennial system} by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections.

(4) Where a by-law is passed under subsection 3, the ^{Idem} members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 77 shall apply *mutatis mutandis*.

(5) A by-law under subsection 1 or 3 shall be passed ^{Time for passing of by-law; assent of electors} not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors.

9. Section 80 of *The Municipal Act* is amended by adding ^{Rev. Stat., c. 243, s. 80, amended} at the commencement thereof the words "Except as provided in section 503", so that the section shall read as follows:

80. Except as provided in section 503, the clerk shall ^{Clerk to be returning officer for whole municipality} by the returning officer for the whole municipality, and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions.

10. Subsection 2 of section 81 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 81, subs. 2, amended} amended by striking out the words and letters "initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be" in the fifth and sixth lines and inserting in lieu thereof the words "numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein", so that the subsection shall read as follows:

Polling
places to
be provided

- (2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein.

Rev. Stat.,
c. 243,
amended

11. *The Municipal Act* is amended by adding thereto the following section:

Composite
ballot
papers
authorized

- 95a.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

Contents

- (2) A composite ballot may contain,
- (a) the names of candidates for the offices of a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and
 - (b) any municipal question or by-law on which a vote is to be taken.

Idem

- (3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Form

- (4) Every portion of a composite ballot paper used in place of a separate ballot paper shall conform as closely as can be to the form required for such separate ballot paper under this Act.

Rev. Stat.,
c. 243, s. 102,
subs. 1,
re-enacted

12. Subsection 1 of section 102 of *The Municipal Act* is repealed and the following substituted therefor:

Voters'
lists on
formation
of new cor-
poration,
etc.

- (1) Where the whole or any part of a municipality, or locality without municipal organization, has been

SECTION 11. The new section authorizes the use of composite ballot papers.

SECTION 12. The definition of "district" contained in section 10 of the Act was deleted from the Act in 1954. This subsection is amended accordingly.

SECTION 13. Due to the amendment in 1954 to *The Voters' Lists Act, 1951*, the municipal list is only required to be kept in one part, therefore, the words "the first and second parts of" are deleted.

SECTION 14. The provisions of section 111 are no longer required by reason of the amendments to section 111a. They are, therefore, repealed.

SECTION 15. The amendments are made to conform to amendments made in 1954 to *The Election Act, 1951*.

The authority to vote at advance polls is extended to cover any person who expects to be absent from the municipality on the day of polling, and covers an election officer who will be working elsewhere than in the poll to which he is entitled to vote on election day.

annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed or of the municipality from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached.

13. Subsection 1 of section 104 of *The Municipal Act* is amended by striking out the words "the first and second parts of" in the eighth line, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 104,
subs. 1,
amended

- (1) In municipalities, the councils of which have passed by-laws under paragraph 65 of subsection 1 of section 388, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the annual election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid.

Preparation
of list of
defaulters

14. Subsection 111 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 111,
repealed

15.—(1) Subsection 1 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 1,
re-enacted

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling.

Advance
poll

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 8,
re-enacted

(2) Subsection 8 of the said section 111a is repealed and the following substituted therefor:

Declaration
by voter

- (8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

I,, declare that I

- (a) expect to be absent from the municipality of.....; or
(b) as an election official will be unable to attend the poll at which I am entitled to vote,

on the day fixed for polling.

Dated at.....
this.....day of
....., 19...

Witness:

.....
Signature of Voter

.....
Deputy Returning Officer

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 17,
re-enacted

(3) Subsection 17 of the said section 111a is repealed and the following substituted therefor:

- (17) This section applies to an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and to voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act.

Rev. Stat.,
c. 243, s. 112,
subs. 3,
amended

16. Subsection 3 of section 112 of *The Municipal Act* is amended by striking out the figures and words "7, 8, 9, 13 and 14 of section 111" in the first line and inserting in lieu thereof the figures and words "4, 5, 6, 10 and 11 of section 111a", so that the subsection shall read as follows:

Application
of s. 111a

- (3) Subsections 4, 5, 6, 10 and 11 of section 111a shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections.

SECTION 16. Section 111 has been repealed and provisions transferred to section 111a. The change in reference is made accordingly.

SECTION 17. The amendment is to make it clear that the ballot box is to be kept sealed until it is required to be opened to count the votes.

SECTION 18. The amendment is complementary to the authority (given in section 11 of this Bill) for the use of composite ballot papers.

SECTION 19. The amendment is to clarify the authority of the clerk of the municipality to cast up the votes for each candidate from the duplicate statements, and not from the statements that are locked in the ballot boxes.

17. Section 113 of *The Municipal Act* is amended by Rev. Stat.,
adding at the end thereof the words "until the box is required c. 243, s. 113,
to be opened for the purpose of counting the votes under amended
section 127", so that the section shall read as follows:

113. The deputy returning officer shall, immediately Deputy
before opening the poll, show the ballot box to such returning
persons as are present in the polling place, so that officer to
they may see if it is empty, and he shall then lock show box
the box and place his seal upon it in such a manner empty to
as to prevent its being opened without breaking the persons pre-
seal, and he shall keep the box on a desk, counter or sent and
table or otherwise so that it is raised above the floor then lock
in full view of all present, and shall keep the box so and seal it
locked and sealed until the box is required to be
opened for the purpose of counting the votes under
section 127.

18. Section 128 of *The Municipal Act* is amended by Rev. Stat.,
adding thereto the following subsection: c. 243, s. 128,
amended

- (3) Where on a composite ballot paper, Composite
ballots
- (a) votes are given for more candidates for any
office than are to be elected; or
- (b) votes are given for the affirmative and nega-
tive on any by-law or question,

the vote shall be void as regards the candidates for
such office or as regards the by-law or question, as
the case may be, but shall not affect the votes for
any other offices, by-laws or questions in respect of
which a vote is correctly indicated.

19. Section 138 of *The Municipal Act* is repealed and the Rev. Stat.,
following substituted therefor: c. 243, s. 138,
re-enacted

138. The clerk, after he has received the ballot boxes and Clerk to
other documents referred to in section 133, including cast up
the duplicate statements of the number of votes votes and
given by each polling place, without opening any of declare what
the ballot boxes, shall cast up from such duplicate candidates
statements the number of votes for each candidate elected
and at the town hall, or if there is no town hall, at
some other public place, at noon on the second day
following the day on which the polling is held, shall
publicly declare to be elected the candidate or
candidates having the highest number of votes, and
he shall also put up in some conspicuous place a
statement under his hand showing the number of
votes for each candidate.

Rev. Stat.,
c. 243, s. 141,
subs. 1,
amended

20.—(1) Subsection 1 of section 141 of *The Municipal Act* is amended by striking out the words and figures “city having a population of not less than 100,000” in the fourteenth line and inserting in lieu thereof the words “local municipality”, so that the subsection shall read as follows:

Application
for recount
or readdi-
tion

- (1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a local municipality, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

Rev. Stat.,
c. 243, s. 141,
subs. 2,
amended

(2) Subsection 2 of the said section 141 is amended by striking out the words and figures “city having a population of not less than 100,000” in the second and third lines and inserting in lieu thereof the words “local municipality divided into wards” and by striking out the words “of such city” in the fifth line, so that the subsection shall read as follows:

Deputies
in municipi-
palities
divided
into wards

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or readdition shall be conducted separately in each ward, and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section.

Rev. Stat.,
c. 243, s. 244,
amended

21. Section 244 of *The Municipal Act* is amended by adding thereto the following subsections:

SECTION 20. The amendments extend the authority now given to a city having a population of 100,000 to pass a resolution requesting a recount or readdition, to all local municipalities.

SECTION 21. This amendment provides for the appointment of a deputy assessment commissioner and an acting assessment commissioner.

SECTION 22. At present retirement allowances can only be granted in respect of service in the municipality granting the allowance. The amendment will authorize the granting of an allowance in respect of service in any municipality or local board and gives authority to any municipality or local board to contribute towards such allowance.

(1a) The council of a local municipality may appoint a deputy assessment commissioner who shall have all the powers and duties of an assessment commissioner under this and every other Act.

(1b) When the office of the assessment commissioner is vacant or the assessment commissioner is unable to carry out his duties through illness or otherwise, the council of a local municipality may appoint an acting assessment commissioner *pro tempore* who shall have all the powers and duties of the assessment commissioner under this and every other Act.

22.—(1) Subsection 1 of section 257 of *The Municipal Act* is repealed and the following substituted therefor:

(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who,

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

(1a) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee, may contribute to such allowance by agreement with the municipality granting the allowance.

(2) Subsection 3 of the said section 257 is repealed and the following substituted therefor:

(3) This section shall not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

Rev. Stat.,
c. 243, s. 262,
amended

23. Section 262 of *The Municipal Act* is amended by striking out the words "31st day of December in the year for which its members were elected" in the second and third lines and inserting in lieu thereof the words "day the poll is held for the election of the new council for the following year" and by inserting after the word "money" in the fourth line the words "other than that provided in the estimates for the current year", so that the section shall read as follows:

Certain acts
not to be
done by
councils
after day
poll is held

262. The council of a local municipality shall not, after the day the poll is held for the election of the new council for the following year, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do.

Rev. Stat.,
c. 243, s. 264,
subs. 1,
amended

24. Subsection 1 of section 264 of *The Municipal Act* is amended by striking out the words "section 81 of *The Telephone Act*" in the second line and inserting in lieu thereof the words "section 62 of *The Telephone Act, 1954*", so that the subsection shall read as follows:

Granting
monopolies
prohibited
Rev. Stat.,
c. 135;
1954, c. 94

(1) Subject to section 265, and to section 6 of *The Ferries Act* and to section 62 of *The Telephone Act, 1954*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Rev. Stat.,
c. 243, s. 267,
re-enacted

25. Section 267 of *The Municipal Act* is repealed and the following substituted therefor:

Borrowing
powers

267. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 276,
subs. 1, cl. d,
amended

26. Clause *d* of subsection 1 of section 276 of *The Municipal Act* is amended by striking out the word and letter "clause *d*"

SECTION 23. The amendment extends the provisions now contained in section 262 to cover cases where elections are held earlier than January 1st.

SECTION 24. *The Telephone Act* was revised in 1954 and the provisions formerly in section 81 are now in section 62 of *The Telephone Act, 1954*.

SECTION 25. The amendment is to make it clear that the authority to borrow money is subject not only to the limitations of *The Municipal Act* but also to limitations in any other Act. The provisions with regard to the debt of street railways are repealed as these are dealt with by the Municipal Board under section 67 of *The Ontario Municipal Board Act*.

SECTION 26. This amendment is required due to amendments made to *The Municipal Act* in 1953. Clause *e* of subsection 1 of section 58, enacted in 1953, qualifies certain tenants of buildings owned by the Power Commission to be entered on the voters' list. This amendment brings them within the group of persons not qualified to vote on money by-laws.

SECTION 27—Subsection 1. At present subsection 13 provides that the by-law shall provide for the redemption of debentures before maturity. The intention is that the by-law may provide for such redemption.

Subsection 2. The amendment removes the necessity of securing the Board's approval as to the manner of publishing the notice of redemption of debentures.

SECTION 28. The new section provides for the issuing of sinking fund debentures.

in the third line and inserting in lieu thereof the words and letters "clauses *d* or *e*", so that the clause shall read as follows:

- (*d*) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clauses *d* or *e* of subsection 1 of section 58.

27.—(1) Subsection 13 of section 298 of *The Municipal Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 243, s. 298,
subs. 13,
amended

- (13) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity subject to the following provisions: Redemption
before
maturity

.

(2) Clause *d* of subsection 13 of the said section 298 is amended by striking out all the words after the word "and" in the third line and inserting in lieu thereof the words "in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide", so that the clause shall read as follows: Rev. Stat.,
c. 243, s. 298,
subs. 13,
cl. *d*,
amended

- (*d*) At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide. Publication
of notice

28. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 243,
amended

298*b*.—(1) Notwithstanding section 298, with the approval of the Municipal Board, a money by-law may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually. Debentures
payable at
a fixed date

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, or any set of them, by a special rate on all the rateable property in the municipality of, Amounts to
be raised
annually

- (*a*) a specific amount, sufficient to pay the interest on the debentures, or any set of them, when and as it becomes due; and

- (b) a specific amount which, with the estimated interest, at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts
payable to
Treasurer of
Ontario

- (3) Every money by-law passed under this section shall provide that the annual amounts to be raised under clause *b* of subsection 2 shall be paid by the treasurer of the municipality to the Treasurer of Ontario and subsections 2 to 7 of section 327 shall apply to such amounts.

Rev. Stat.,
c. 243, s. 300,
subs. 3, cl. *b*,
re-enacted

29.—(1) Clause *b* of subsection 3 of section 300 of *The Municipal Act* is repealed and the following substituted therefor:

- (b) for borrowing money for any of the purposes mentioned in paragraph 13*a*, 29, 48, 51*a*, 51*b*, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

.

Rev. Stat.,
c. 243, s. 300,
subs. 3, cl. *i*,
re-enacted

(2) Clause *i* of subsection 3 of the said section 300, as amended by subsection 17 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor:

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7, section 29 or subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954*, or section 42 of *The Public Libraries Act*; or

Rev. Stat.,
cc. 316, 310

1954, c. 87

.

Rev. Stat.,
c. 243, s. 308,
subs. 1,
re-enacted

30. Subsection 1 of section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly rates
to be levied

- (1) The council of every municipality in each year shall levy on the whole of the assessment for real property, business or other assessments made under *The Assess-*

Rev. Stat.,
c. 24

SECTION 29. Subsection 3 of section 300 provides that the borrowing of money for the purposes referred to in the subsection do not require the assent of the electors. The amendment clarifies that it is not necessary to have the assent of the electors for

1. acquiring land for flood control;
2. acquiring land under an agreement with another municipality for establishing public parks and making grants therefor;
3. establishing parking lots;
4. acquiring industrial sites;
5. civil defence purposes;
6. primary school and public library purposes.

SECTION 30. The amendment removes the limit of rates that can be levied in municipalities and makes it clear that municipalities must levy sufficient to meet the amounts required as set out in the adopted estimates, as provided in section 311 of *The Assessment Act*, and to pay all debts of the corporation.

SECTION 31. The amendment provides that a by-law passed under subsection 1 of section 310 providing for a special rate re membership fees in the Federation of Agriculture can be amended to vary the rate and that it is unnecessary to pass such a by-law annually.

SECTION 32—Subsection 1. The amendment is complementary to the new section 298*b* in section 28 of this bill.

Subsection 2. The present subsection provides that the payments into the sinking fund that are payable to the Treasurer of Ontario shall be a debt due to the Crown. The amendment is self-explanatory.

ment Act, according to the last revised assessment roll, a sum equal to the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation adopted under section 311 and an amount sufficient to pay all debts of the corporation including principal and interest maturing, and the necessary amounts required to be paid into the sinking fund, within the year.

31. Section 310 of *The Municipal Act* is amended by adding thereto the following subsections: Rev. Stat., c. 243, s. 310, amended

- (1a) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill. Power to vary special rate
- (1b) A by-law passed under subsection 1 or 1a shall remain in force until amended or repealed, and it shall not be necessary to pass such by-law annually. By-law in force until repealed

32.—(1) Subsection 1 of section 327 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 327, subs. 1, re-enacted

- (1) Where a by-law heretofore passed has provided for a sinking fund, the council may by by-law provide that the annual amounts levied for such sinking fund together with the earnings thereon and any future amounts levied therefor shall be paid to the Treasurer of Ontario. Payment of sinking funds heretofore established to Treasurer of Ontario

(2) Subsection 4 of the said section 327 is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 327, subs. 4, re-enacted

- (4) Where a municipality or a school board is in default in payment of the amount payable in any year into the sinking fund which under the by-law is to be paid to the Treasurer of Ontario, Retention of money payable to municipality or school board where municipality in default

(a) the municipality or school board shall be liable to a penalty of 5 per cent of the amount in respect of which the municipality or school board is in default; and

(b) the Treasurer of Ontario shall retain a portion of any money payable to the municipality or school board, equal to the amount in respect of which the municipality or school board is in default together with any penalty to which the municipality or school board is

liable and shall credit such portion including the penalty to the municipality or school board, as the case may be.

Rev. Stat.,
c. 243, s. 327,
amended

(3) The said section 327 is amended by adding thereto the following subsections:

Surplus

(6) Where, in the opinion of the Treasurer of Ontario, there is a surplus standing to the credit of any municipality or school board in the sinking fund held by the Treasurer on its behalf, such surplus shall be used to purchase unmatured debentures for which the sinking fund was established, or if such debentures have been fully paid, the surplus in the sinking fund shall be returned to the municipality or school board and shall form part of the general fund of the municipality or of the school board, as the case may be.

Deficit

(7) Where the amount payable by a municipality or school board toward the retirement of the sinking fund debt, together with the earnings thereon, are insufficient to meet the debentures as they fall due, the municipality or school board, as the case may be, shall make up such deficit out of its general fund, notwithstanding that such debentures may have been issued by the municipality for or on behalf of a local board or commission.

Rev. Stat.,
c. 243, s. 386,
amended

33.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Agreements
to prevent
damage
by floods

13a. For entering into agreements with Her Majesty in right of Ontario and for entering into agreements with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be deemed necessary for that purpose.

(a) Such lands and premises shall be used and disposed of as directed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 24

(b) For the purposes of *The Assessment Act* such lands and premises shall be deemed a public park.

Subsection 3. The amendments provide for the payment of any surplus in a sinking fund to the municipality or school board and the payment of any deficit by a municipality or school board.

SECTION 33—Subsection 1. Self-explanatory.

Subsection 2. This amendment conforms to changes made in the composition of boards in *The Provincial Parks Act, 1954* and by amendments in 1954 to *The Community Centres Act*.

Subsection 3. The new paragraph 51*a* gives authority for two or more municipalities to enter into an agreement to jointly acquire and operate public parks.

The new paragraph 51*b* gives authority to municipalities to make grants to another municipality or board of park management to assist in maintaining and operating a public park outside the municipality making the grant.

Subsection 4. The paragraph dealing with the establishment of municipal parking lots is re-enacted. The amendment provides that such lots are deemed highways for the purpose of setting up parking meters thereon. The limitation of borrowing money over a five-year period is repealed.

(2) Clause *c* of paragraph 50 of the said section 386 is amended by striking out all the words after the word "appoint" in the third line and inserting in lieu thereof the words "not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council", so that the clause shall read as follows:

Rev. Stat.,
c. 243, s. 386,
par. 50, cl. *c*,
amended

- (*c*) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.

(3) The said section 386 is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 243, s. 386,
amended

51*a*. For entering into an agreement with one or more municipalities for the purpose of,

Joint
acquisition
and main-
tenance of
public
parks

- (*a*) acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and

- (*b*) maintaining or operating a public park within the municipality or within any other municipality.

51*b*. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality.

Grants re
public parks
outside
municipality

(4) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, subsection 2 of section 15 of *The Municipal Amendment Act, 1952* and subsection 7 of section 20 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 386,
par. 52,
re-enacted

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Municipal
parking
lots

Definition
of vehicle

- (a) A by-law under this paragraph may define vehicle for the purposes of the by-law.

Application
of s. 486,
subs. 7

- (b) Land acquired under this paragraph shall be deemed to be a highway for the purposes of subsection 7 of section 486 and the said subsection 7 shall apply to such land.

Procedure
for voluntary
payment of
penalties
out of court

- (c) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure subsection 2 of section 492 shall apply.

Reserve fund

- (d) Where a municipality establishes a parking lot or lots in the municipality at the expense of all of the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by the municipality, including parking meters on highways.

Application
of fund

- (e) Such reserve fund shall be applied,
- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
 - (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
 - (iii) thirdly, for such other purposes as the Department may approve.

Levy of
parking lot
cost against
defined area

- (f) (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Subsection 5. This amendment gives authority to a municipality to set up a parking authority to operate and manage parking facilities in the municipality.

- (ii) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.
- (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.
- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *d* or if no reserve fund has been set up under clause *d*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *e*.

(5) The said section 386 is amended by adding thereto the following paragraph:

Rev. Stat.,
c. 243, s. 386,
amended

Independent
parking
authority
authorized

52a. For establishing an authority to be known as "The Parking Authority of the.....of.....", and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

Incorporation and
members

(a) A parking authority established under this paragraph shall be a body corporate and shall consist of three members, each of whom shall be a resident and ratepayer of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council
members not
qualified

(b) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

(c) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appoint-
ment of
members

(d) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of
members

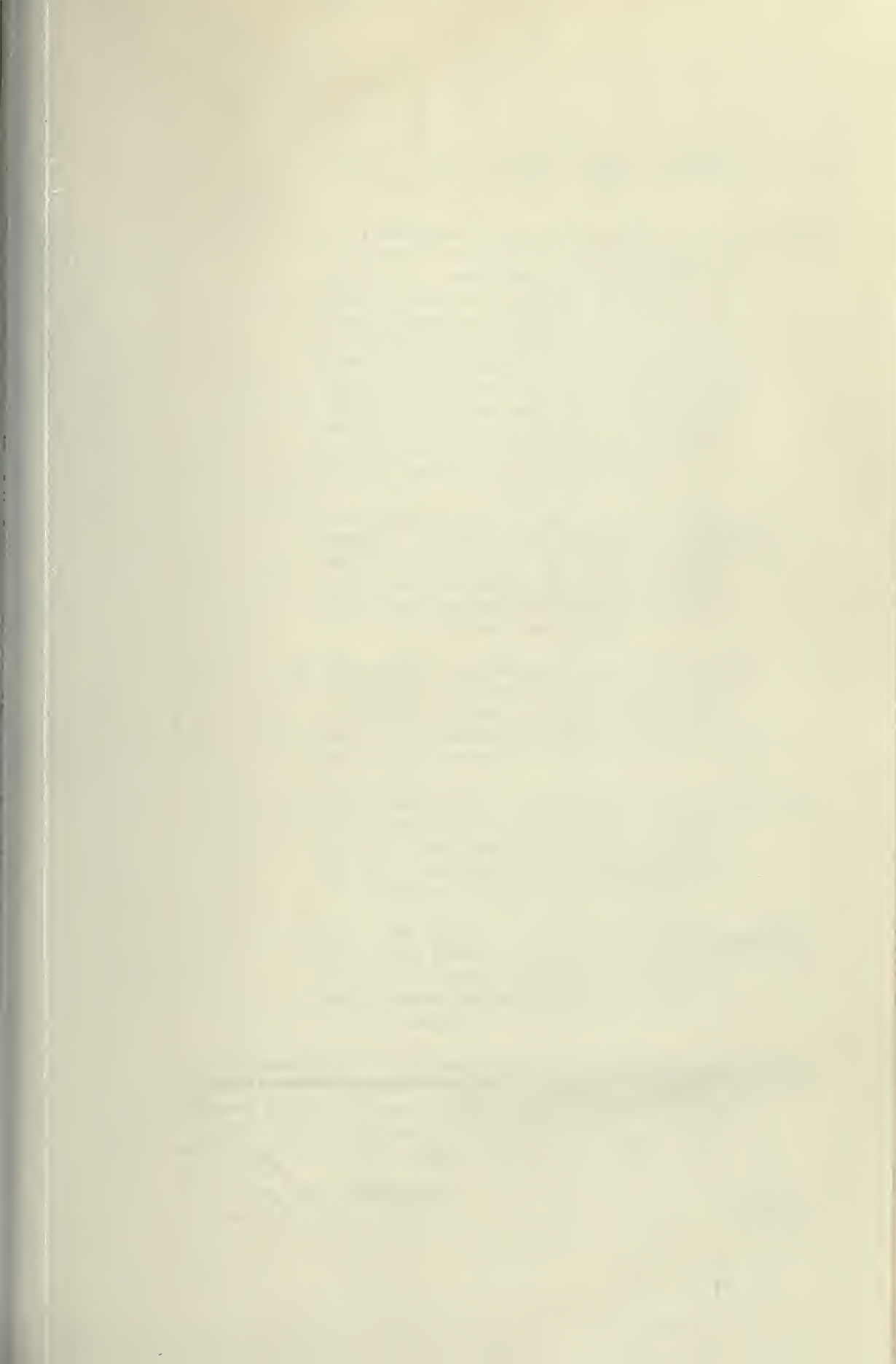
(e) The members may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department.

Powers and
duties of
municipality
transferred
to authority

(f) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide.

Power to
fix rates

(g) The parking authority shall fix rates and charges for the use of parking facilities under



SECTION 34. Subsection 3 of section 267 is repealed elsewhere in this bill. The reference is therefore deleted.

its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining.

- (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money. Budget and expenditures
- (i) Immediately after the end of each year, the parking authority shall submit its annual report to council including a complete audited and certified financial statement of its affairs, with revenue and expenditure account, balance sheet and profit and loss statement. Annual report
- (j) The municipal auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection. Audit
- (k) The powers, rights, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority. Debentures
- (l) Upon the repeal of the by-law establishing the parking authority, the parking authority shall cease to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality. Abolition of authority

34. Section 387 of *The Municipal Act*, as amended by section 11 of *The Municipal Amendment Act, 1953*, is further amended by striking out the words "Subject to subsection 3 of section 267" at the commencement thereof, so that the section, exclusive of the clauses, shall read as follows:

387. By-laws may be passed,

Grants for
patriotic
purposes

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 11,
amended

35.—(1) Paragraph 11 of subsection 1 of section 388 of *The Municipal Act* is amended by inserting after the word “inspecting” in the first line the words “subject to *The Boilers and Pressure Vessels Act, 1951*”, so that the paragraph shall read as follows:

Regulation,
etc., of
heating
plant and
equipment
1951, c. 7

11. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act, 1951*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 91a
(1952,
c. 63, s. 16,
subs. 3),
amended

(2) Paragraph 91a of subsection 1 of the said section 388, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1952*, is amended by adding thereto the following clause:

Use

- (d) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended

(3) Paragraph 109 of subsection 1 of the said section 388, as amended by subsection 5 of section 16 of *The Municipal Amendment Act, 1951*, is further amended by striking out the words “which shall be approved of by the Municipal Board” in the seventh and eighth lines, so that the paragraph, exclusive of clause a, shall read as follows:

Licensing
users of
wheeled
vehicles
Rev. Stat.,
c. 167

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

SECTION 35—Subsection 1. Self-explanatory.

Subsection 2. Paragraph 91*a* gives authority to municipalities to prohibit the use of trailers for living accommodation in the municipality or a defined area therein for more than a specified number of days but not less than 60 days. The amendment provides that a trailer shall be deemed to be in use on every day that it is located in the municipality or in the defined area.

Subsection 3. The amendment does away with the approval of the Municipal Board to the licence fee in paragraph 109.

Subsection 4. The new paragraphs give local municipalities authority to pass by-laws with respect to the subject matter in such paragraphs.

SECTION 36—Subsections 1 and 2. The amendment gives to local municipalities the authority to completely exclude from the municipality certain uses specified in the by-law.

- 111a. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind. Control of land used for disposal of refuse

(a) A by-law under this paragraph,

- (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,
- (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
- (iii) may define industrial or domestic waste.

- 111b. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal. Storing motor vehicles for salvage

36.—(1) Paragraph 1 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word “by-law” in the second line the words “within the municipality, or”, so that the paragraph shall read as follows: Rev. Stat., c. 243, s. 390, subs. 1, par. 1, amended

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality, or within any defined area or areas or abutting on any defined highway or part of a highway. Restricting use of land

(2) Paragraph 2 of subsection 1 of the said section 390 is amended by inserting after the word “by-law” in the third line the words “within the municipality, or”, so that the paragraph shall read as follows: Rev. Stat., c. 243, s. 390, subs. 1, par. 2, amended

2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality, or within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting erection or use of buildings

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended

(3) Paragraph 3 of subsection 1 of the said section 390, as amended by subsection 1 of section 17 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "land" in the second line the words "which is subject to flooding or on land", so that the paragraph shall read as follows:

Erection of
buildings on
unsuitable
lands

(3) For prohibiting the erection of a building or structure for residential or commercial purposes on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 391,
par. 6,
amended

37. Paragraph 6 of section 391 of *The Municipal Act* is amended by striking out the words "*The Factory, Shop and Office Building Act*" in the first line and inserting in lieu thereof the words "*The Elevators and Lifts Act, 1953*", so that the paragraph shall read as follows:

Erection of
elevators
1953, c. 33

6. Subject to *The Elevators and Lifts Act, 1953* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

Rev. Stat.,
c. 243, s. 404,
cl. d, re-
enacted

38. Clause *d* of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

(*d*) paragraph 19*a* of section 386.

Rev. Stat.,
c. 243, s. 413,
par. 12, cl. b,
repealed

39. Clause *b* of paragraph 12 of section 413 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 421,
re-enacted

40. Section 421 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Expenses of
entertaining
guests and
for travelling
on civic
business

421. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year,

Subsection 3. The amendment gives to local municipalities the authority to prohibit building on lands subject to flooding.

SECTION 37. The provisions of *The Factory, Shop and Office Building Act* referred to in paragraph 6 were transferred to *The Elevators and Lifts Act, 1953*. The reference in this paragraph is therefore changed accordingly.

SECTION 38. Section 411 was repealed and replaced by paragraph 19*a* of section 386 in 1954. The reference is changed accordingly.

SECTION 39. The limitations with respect to the licence fees for tourist camps and trailer camps are removed and the approval of the Department is dispensed with.

SECTION 40. At present cities are authorized to spend in each year for entertainment, travel, etc., between \$1,000 and \$50,000 depending on the population; towns are authorized to spend between \$1,000 and \$2,500 depending on the population; villages and townships \$500 and counties \$1,500.

The amendment authorizes all local municipalities to spend the amounts set out in clause *a* and a county the amount set out in clause *b*.

SECTION 41. The subsection as re-enacted makes it clear that a by-law closing a road leading to the shore of a lake must be approved by the Lieutenant-Governor in Council before coming into force.

SECTION 42. The amendments repeal the authority to permit persons or corporations other than the municipality to install meters.

(a) in the case of a local municipality having a population of,

(i) not less than 500,000—\$50,000,

(ii) not less than 200,000—\$30,000,

(iii) not less than 100,000—\$20,000,

(iv) not less than 50,000—\$10,000,

(v) not less than 20,000—\$3,000,

(vi) not less than 10,000—\$2,000,

(vii) less than 10,000—\$1,000; and

(b) in the case of a county—\$2,500.

41. Subsection 3 of section 469 of *The Municipal Act*, Rev. Stat., c. 243, s. 469, subs. 3, re-enacted as amended by section 17 of *The Municipal Amendment Act, 1953*, is repealed and the following substituted therefor:

(3) A by-law passed under clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey, Approval of Lieutenant-Governor to by-law

(a) along the bank of any river, stream or other water;

(b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

shall not take effect until it has been approved by the Lieutenant-Governor in Council, and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained.

42.—(1) Paragraph 7 of section 486 of *The Municipal Act* Rev. Stat., c. 243, s. 486, par. 7, amended is amended by striking out the words "or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem

expedient, the exclusive right for erecting, maintaining and operating" in the first, second, third, fourth and fifth lines, so that the paragraph, exclusive of the clauses, shall read as follows:

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees
for parking

7. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

.

Rev. Stat.,
c. 243, s. 486,
par. 7, cl. a,
re-enacted;
clause b,
repealed

(2) Clauses *a* and *b* of paragraph 7 of the said section 486 are repealed and the following substituted therefor:

Limitation
of actions
except for
negligence

- (a) No municipality or municipal parking authority shall, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Rev. Stat.,
c. 243, s. 492,
subs. 1,
amended

43. Subsection 1 of section 492 of *The Municipal Act* is amended by striking out the symbol and figures "\$50" in the third line and inserting in lieu thereof the symbol and figures "\$300", so that the subsection shall read as follows:

Power to
impose
penalties

- (1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing penalties of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Rev. Stat.,
c. 243, s. 503,
amended

44. Section 503 of *The Municipal Act* is amended by adding thereto the following subsection:

SECTION 43. The present section provides that a municipality may provide for a maximum penalty of \$50. The amendment increases the amount to \$300.

SECTION 44. This amendment permits the returning officer appointed to hold the election for police village trustees to vote.

SECTION 45. Self-explanatory.

SECTION 46. The amendment is complementary to section 5 of the bill.

SECTION 47. Paragraphs 52 and 52a of section 386 of *The Municipal Act* dealing with municipal parking lots and parking authorities are made applicable to parking lots acquired and operated by municipalities without authority.

SECTION 48. The Department and the Ontario Municipal Board approved of a number of by-laws for the issue of debentures re industrial sites notwithstanding that the assent of the electors was required. The amendment to section 300 of *The Municipal Act* elsewhere in this bill will except the borrowing of money for the purchase of industrial sites from the requirement of obtaining the assent of the electors.

This section dispenses with such requirement in respect of by-laws passed before this section comes into force.

SECTION 49. Self-explanatory.

- (2a) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer shall be entitled to vote at the election is otherwise qualified. Returning officer may vote

45. Form 2 of *The Municipal Act* is amended by striking out the words "His Majesty King George VI" in the third line and inserting in lieu thereof the words "Her Majesty Queen Elizabeth II". Rev. Stat., c. 243, Form 2, amended

46. Paragraph 8 of Form 11 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, Form 11, par. 8, re-enacted

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

47. Every municipality shall be deemed to have had authority to acquire, establish, lay out and improve land for the parking of vehicles and to erect buildings for such purposes thereon and to operate such parking lots, and paragraphs 52 and 52a of section 386 of *The Municipal Act* shall apply to parking lots acquired before this section comes into force. Authority to acquire certain parking lots

48. All municipal by-laws for the issue of debentures for the purpose of purchasing industrial sites passed before this section comes into force shall be deemed to have received the assent of the municipal electors. Assent of electors to certain by-laws

49. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to make grants to the Ontario Hurricane Relief Fund established to assist persons who or whose property suffered injury or damage as a result of the "Hurricane Hazel" that occurred in Ontario on or about the 15th day of October, 1954. Hurricane relief grants

50.—(1) This Act except sections 1, 2, 22, subsection 1 of section 33 and section 40 comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 22 and subsection 1 of section 33 shall be deemed to have come into force on the 1st day of January, 1954. Idem

(3) Sections 2 and 40 shall be deemed to have come into force on the 1st day of January, 1955. Idem

51. This Act may be cited as *The Municipal Amendment Act, 1955*. Short title

BILL

An Act to amend The Municipal Act

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. PORTER

No. 71

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Act

MR. PORTER

(Reprinted as amended by the Committee on Municipal Law)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. The amendment is to clarify the powers of the Municipal Board when a municipality is incorporated or erected.

SECTION 2. This amendment permits the Board to deal with the composition of local boards when the Board is dividing or redividing the municipality into wards in the same manner as the Board now does when it orders a change in municipal boundaries.

Section 3. The Municipal Board is empowered to make an order with respect to the matters in the new clause 4.

No. 71

1955

BILL

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words and figures "sub-section 10 of section 14, the provisions of which subsection" in the fifth and sixth lines and inserting in lieu thereof the words and figures "subsections 7, 10, 11 and 13, the provisions of which subsections", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 12
(1954,
c. 56, s. 1),
subs. 3,
amended

(3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 7, 10, 11 and 13, the provisions of which subsections shall apply *mutatis mutandis*.

Additional
powers of
Board

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 243, s. 13
(1954,
c. 56, s. 1),
amended

(3) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

Idem

Rev. Stat.,
c. 96

3. Subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 243, s. 14
(1954,
c. 56, s. 1),
subs. 10,
amended

- (l) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Rev. Stat.,
c. 243, s. 24
(1954,
c. 56, s. 1),
subs. 35,
amended

4. Subsection 35 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words "as equalized" in the first line and by inserting after the word "assessments" in the second line the words "as equalized", so that the subsection shall read as follows:

Basis for
raising
required
sums

- (35) The assessment of real property and business assessments as equalized in each municipality for the preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

Rev. Stat.,
c. 243, s. 53,
subs. 1,
amended

5. Subsection 1 of section 53 of *The Municipal Act* is amended by adding at the commencement thereof the words "In a county", so that the subsection shall read as follows:

Councils of
villages and
townships
in counties

- (1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 243, s. 59,
amended

6. Section 59 of *The Municipal Act* is amended by striking out the words and figures "sections 62, 63 and 64" in the first line and inserting in lieu thereof the words and figures "sections 62 and 63".

Rev. Stat.,
c. 243, s. 64,
repealed

7. Section 64 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 68,
repealed

8. Section 68 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 70,
subs. 4,
amended

9. Subsection 4 of section 70 of *The Municipal Act* is amended by striking out the words "attached thereto" in the second line, so that the subsection shall read as follows:

When
proposed
candidate
absent

- (4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is

SECTION 4. The amendment is complementary to amendments to *The Assessment Act* (see Bill No. 92) providing that business assessment shall be equalized in the same manner as assessment for real property.

SECTION 5. Section 53a of the Act provides for the composition of a council of a village or township in districts. The amendment is to make it clear that section 53 deals with counties only.

SECTION 6. The reference to section 64 is deleted as the section is repealed in this bill.

SECTION 7. Similar provisions contained in subsections 2 and 3 of section 16 of *The Election Act, 1951* were repealed during the 1954 session of the Legislature because if strictly interpreted they would disenfranchise persons who should be able to vote.

SECTION 8. The authority contained in this section was given to the Ontario Municipal Board by the amendment to Part I of *The Municipal Act* during the 1954 session of the Legislature. The section is, therefore, repealed.

SECTION 9. The amendment dispenses with the necessity of having the evidence actually attached to the nomination paper.

SECTION 10. The amendment is a revision of the provisions dealing with biennial elections and the staggered system in order to clarify the procedures.

evidence satisfactory to the returning officer that he consents to be so nominated.

10. Section 77 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 77,
re-enacted

77.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years. Two-year
term

(2) A by-law passed under subsection 1 may provide, Biennial
elections;
staggered
system

(a) for biennial elections, in which case an election shall be held every two years; or

(b) for the staggered system of elections in which case an election shall be held every year.

(3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term. Biennial
elections

(4) Where the by-law provides for the staggered system, Staggered
system

(a) the mayor, the reeve and the deputy reeve or deputy reeves elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term;

(b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;

(c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each member shall be elected for a two-year term;

(d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each member shall be elected for a two-year term;

(e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.

Acclamations

(5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Local boards

(6) Where a by-law has been or is passed under subsection 1, the council may by by-law passed not later in the year than the 1st day of November provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 shall apply *mutatis mutandis*.

Rev. Stat.,
c. 96

- (7) A by-law under subsection 6 shall be passed not later in the year than the 1st day of November, and Time for passing by-law under subs. 6
- (a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;
 - (b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year.
- (8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors. Time for passing by-law; assent of electors
- (9) Subject to section 77a, where a by-law passed under subsection 1 is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the repealing by-law is passed and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1. Repeal
- 77a.—(1) Notwithstanding any general or special Act, where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections. Change from biennial to staggered system
- (2) Where a by-law is passed under subsection 1, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 77 shall apply *mutatis mutandis*. Idem
 - (3) Notwithstanding any general or special Act, where a by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections. Change from staggered to biennial system

Idem

- (4) Where a by-law is passed under subsection 3, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 77 shall apply *mutatis mutandis*.

Time for
passing of
by-law;
assent of
electors

- (5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors.

Rev. Stat.,
c. 243, s. 80,
amended

11. Section 80 of *The Municipal Act* is amended by adding at the commencement thereof the words "Except as provided in section 503", so that the section shall read as follows:

Clerk to be
returning
officer for
whole
municipality

80. Except as provided in section 503, the clerk shall be the returning officer for the whole municipality, and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions.

Rev. Stat.,
c. 243, s. 81,
subs. 2,
amended

12. Subsection 2 of section 81 of *The Municipal Act* is amended by striking out the words "initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be" in the fifth and sixth lines and inserting in lieu thereof the words "numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein", so that the subsection shall read as follows:

Polling
places to
be provided

- (2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein.

Rev. Stat.,
c. 243,
amended

13. *The Municipal Act* is amended by adding thereto the following sections:

Composite
ballot
papers
authorized

- 95a.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers which shall contain the names of the candidates for each office

SECTION 11. Section 503 provides that in a police village the trustees shall appoint a returning officer. Section 80 is made subject to section 503.

SECTION 12. Voters' lists are now prepared according to streets and numbers, or lots and concessions. The amendment provides for the designation of polling places in the same manner.

SECTION 13. The new section 95*a* authorizes the use of composite ballot papers and the new section 95*b* authorizes the use of voting machines with the approval of the Department.

SECTION 14. The definition of "district" contained in section 10 of the Act was deleted from the Act in 1954. This subsection is amended accordingly.

arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

- (2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and

(b) any municipal question or by-law on which a vote is to be taken.

- (3) No elector shall be given a composite ballot paper ^{Idem} containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

- (4) Every portion of a composite ballot paper used in ^{Form} place of a separate ballot paper shall conform as closely as can be to the form required for such separate ballot paper under this Act.

95b. In place of using ballot papers under this Act, ^{Voting machines} with the approval of the Department, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of voting machines for one or more polling subdivisions.

14. Subsection 1 of section 102 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 102, subs. 1, re-enacted} repealed and the following substituted therefor:

- (1) Where the whole or any part of a municipality, or locality without municipal organization, has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed or of the municipality ^{Voters' lists on formation of new corporation, etc.}

from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached.

Rev. Stat.,
c. 243, s. 104,
subs. 1,
amended

15. Subsection 1 of section 104 of *The Municipal Act* is amended by striking out the words "the first and second parts of" in the eighth line, so that the subsection shall read as follows:

Preparation
of list of
defaulters

- (1) In municipalities, the councils of which have passed by-laws under paragraph 65 of subsection 1 of section 388, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the annual election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid.

Rev. Stat.,
c. 243, s. 111,
repealed

16. Section 111 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 1,
re-enacted

17.—(1) Subsection 1 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Advance
poll

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 8,
re-enacted

(2) Subsection 8 of the said section 111a is repealed and the following substituted therefor:

Declaration
by voter

- (8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

SECTION 15. Due to the amendment in 1954 to *The Voters' Lists Act, 1951*, the municipal list is only required to be kept in one part, therefore, the words "the first and second parts of" are deleted.

SECTION 16. The provisions of section 111 are no longer required by reason of the amendments to section 111a. They are, therefore, repealed.

SECTION 17. The amendments are made to conform to amendments made in 1954 to *The Election Act, 1951*.

The authority to vote at advance polls is extended to cover any person who expects to be absent from the municipality on the day of polling, and covers an election officer who will be working elsewhere than in the poll to which he is entitled to vote on election day.

SECTION 18. Section 111 has been repealed and provisions transferred to section 111a. The change in reference is made accordingly.

SECTION 19. The amendment is to make it clear that the ballot box is to be kept sealed until it is required to be opened to count the votes.

I,, declare that I

(a) expect to be absent from the municipality
of.....; or

(b) as an election official will be unable to attend
the poll at which I am entitled to vote,

on the day fixed for polling.

Dated at,
this.....day of
....., 19...

Witness:

.....
Signature of Voter

.....
Deputy Returning Officer

(3) Subsection 17 of the said section 111a is repealed and
the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 17,
re-enacted

(17) This section applies to an election or by-election
for a council, board of education, school board,
public utility commission or other board, commission
or body the members of which are required to be
elected by the electors of the municipality and to
voting on any by-law and question submitted to the
electors under the authority of this or any other
general or special Act.

Application
of section

18. Subsection 3 of section 112 of *The Municipal Act* is
amended by striking out the words and figures "Subsections
7, 8, 9, 13 and 14 of section 111" in the first line and inserting
in lieu thereof the words and figures "Subsections 4, 5, 6,
10 and 11 of section 111a", so that the subsection shall read
as follows:

Rev. Stat.,
c. 243, s. 112,
subs. 3,
amended

(3) Subsections 4, 5, 6, 10 and 11 of section 111a shall
apply and the clerk of the municipality may cause
all things to be made, done and provided for the
purpose of holding the said poll and ensuring the
proper conduct of the election thereat in compliance
as nearly as may be with the provisions of this Act
respecting elections.

Application
of s. 111a

19. Section 113 of *The Municipal Act* is amended by
adding at the end thereof the words "until the box is required
to be opened for the purpose of counting the votes under
section 127", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 113,
amended

Deputy
returning
officer to
show box
empty to
persons pre-
sent and
then lock
and seal it

113. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 127.

Rev. Stat.,
c. 243, s. 128,
amended

20. Section 128 of *The Municipal Act* is amended by adding thereto the following subsection:

Composite
ballots

- (3) Where on a composite ballot paper,
- (a) votes are given for more candidates for any office than are to be elected; or
 - (b) votes are given for the affirmative and negative on any by-law or question,

the vote shall be void as regards the candidates for such office or as regards the by-law or question, as the case may be, but shall not affect the votes for any other offices, by-laws or questions in respect of which a vote is correctly indicated.

Rev. Stat.,
c. 243, s. 138,
re-enacted

21. Section 138 of *The Municipal Act* is repealed and the following substituted therefor:

Clerk to
cast up
votes and
declare what
candidates
elected

138. The clerk, after he has received the ballot boxes and other documents referred to in section 133, including the duplicate statements of the number of votes given by each polling place, without opening any of the ballot boxes, shall cast up from such duplicate statements the number of votes for each candidate and at the town hall, or if there is no town hall, at some other public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

SECTION 20. The amendment is complementary to the authority (given in section 13 of this Bill) for the use of composite ballot papers.

SECTION 21. The amendment is to clarify the authority of the clerk of the municipality to cast up the votes for each candidate from the duplicate statements, and not from the statements that are locked in the ballot boxes.

SECTION 22. The amendments extend the authority now given to a city having a population of 100,000 to pass a resolution requesting a recount or readdition, to all local municipalities.

SECTION 23. This amendment provides for the appointment of a deputy assessment commissioner and an acting assessment commissioner.

22.—(1) Subsection 1 of section 141 of *The Municipal Act* Rev. Stat., c. 243, s. 141, subs. 1, amended is amended by striking out the words and figures “city having a population of not less than 100,000” in the fourteenth line and inserting in lieu thereof the words “local municipality”, so that the subsection shall read as follows:

- (1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a local municipality, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

(2) Subsection 2 of the said section 141 is amended by striking out the words and figures “city having a population of not less than 100,000” in the second and third lines and inserting in lieu thereof the words “local municipality divided into wards” and by striking out the words “of such city” in the fifth line, so that the subsection shall read as follows:

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or readdition shall be conducted separately in each ward, and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section.

23. Section 244 of *The Municipal Act* is amended by adding thereto the following subsections: Rev. Stat., c. 243, s. 244, amended

Deputy
assessment
commis-
sioner

- (1a) The council of a local municipality may appoint a deputy assessment commissioner who shall have all the powers and duties of an assessment commissioner under this and every other Act.

Acting
assessment
commis-
sioner

- (1b) When the office of the assessment commissioner is vacant or the assessment commissioner is unable to carry out his duties through illness or otherwise, the council of a local municipality may appoint an acting assessment commissioner *pro tempore* who shall have all the powers and duties of the assessment commissioner under this and every other Act.

Rev. Stat.,
c. 243, s. 257,
subs. 1,
re-enacted

24.—(1) Subsection 1 of section 257 of *The Municipal Act* is repealed and the following substituted therefor:

Retirement
allowances

- (1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who,

Rev. Stat.,
c. 96

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

Contribu-
tions by
municipality
or local
board

- (1a) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee, may contribute to such allowance by agreement with the municipality granting the allowance.

Rev. Stat.,
c. 243, s. 257,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 257 is repealed and the following substituted therefor:

Application
of section

- (3) This section shall not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

SECTION 24. At present retirement allowances can only be granted in respect of service in the municipality granting the allowance. The amendment will authorize the granting of an allowance in respect of service in any municipality or local board and gives authority to any municipality or local board to contribute towards such allowance.

SECTION 25. The amendment extends the provisions now contained in section 262 to cover cases where elections are held earlier than January 1st.

SECTION 26. At present an appeal from a decision of a board of commissioners of police is given in respect of revoking a licence. The amendment gives a similar right of appeal in respect of refusing a licence.

SECTION 27. *The Telephone Act* was revised in 1954 and the provisions formerly in section 81 are now in section 62 of *The Telephone Act, 1954*.

25. Section 262 of *The Municipal Act* is amended by striking out the words "31st day of December in the year for which its members were elected" in the second and third lines and inserting in lieu thereof the words "day the poll is held for the election of the new council for the following year" and by inserting after the word "money" in the fourth line the words "other than that provided in the estimates for the current year", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 262,
amended

262. The council of a local municipality shall not, after the day the poll is held for the election of the new council for the following year, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do.

Certain acts
not to be
done by
councils
after day
poll is held



26. Subsection 9 of section 263 of *The Municipal Act*, as enacted by subsection 2 of section 12 of *The Municipal Amendment Act, 1954*, is amended by inserting after the word "in" in the second line the words "refusing or", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 263,
subs. 9
(1954,
c. 56, s. 12,
subs. 2),
amended

(9) Notwithstanding subsection 4, the decision of a board of commissioners of police in refusing or revoking a licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.

Appeal from
decision of
police
commission-
ers in licence
matters



27. Subsection 1 of section 264 of *The Municipal Act* is amended by striking out the words "section 81 of *The Telephone Act*" in the second line and inserting in lieu thereof the words "section 62 of *The Telephone Act, 1954*", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 264,
subs. 1,
amended

(1) Subject to section 265, and to section 6 of *The Ferries Act* and to section 62 of *The Telephone Act, 1954*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Granting
monopolies
prohibited
Rev. Stat.,
c. 135;
1954, c. 94

Rev. Stat.,
c. 243, s. 267,
re-enacted

28. Section 267 of *The Municipal Act* is repealed and the following substituted therefor:

Borrowing
powers

267. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 276,
subs. 1, cl. d,
amended

29. Clause *d* of subsection 1 of section 276 of *The Municipal Act* is amended by striking out the word and letter "clause *d*" in the third line and inserting in lieu thereof the words and letters "clauses *d* or *e*", so that the clause shall read as follows:

(*d*) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clauses *d* or *e* of subsection 1 of section 58.

Rev. Stat.,
c. 243, s. 298,
subs. 13,
amended

30.—(1) Subsection 13 of section 298 of *The Municipal Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows:

Redemption
before
maturity

(13) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity subject to the following provisions:

.

Rev. Stat.,
c. 243, s. 298,
subs. 13,
cl. d,
amended

(2) Clause *d* of subsection 13 of the said section 298 is amended by striking out all the words after the word "and" in the third line and inserting in lieu thereof the words "in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide", so that the clause shall read as follows:

Publication
of notice

(*d*) At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide.

Rev. Stat.,
c. 243,
amended

31. *The Municipal Act* is amended by adding thereto the following section:

Debentures
payable at
a fixed date

298*b*.—(1) Notwithstanding section 298, with the approval of the Municipal Board, a money by-law may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually.

SECTION 28. The amendment is to make it clear that the authority to borrow money is subject not only to the limitations of *The Municipal Act* but also to limitations in any other Act. The provisions with regard to the debt of street railways are repealed as these are dealt with by the Municipal Board under section 67 of *The Ontario Municipal Board Act*.

SECTION 29. This amendment is required due to amendments made to *The Municipal Act* in 1953. Clause *e* of subsection 1 of section 58, enacted in 1953, qualifies certain tenants of buildings owned by the Power Commission to be entered on the voters' list. This amendment brings them within the group of persons not qualified to vote on money by-laws.

SECTION 30—Subsection 1. At present subsection 13 provides that the by-law shall provide for the redemption of debentures before maturity. The intention is that the by-law may provide for such redemption.

Subsection 2. The amendment removes the necessity of securing the Board's approval as to the manner of publishing the notice of redemption of debentures.

SECTION 31. The new section provides for the issuing of sinking fund debentures.

SECTION 32. Subsection 3 of section 300 provides that the borrowing of money for the purposes referred to in the subsection do not require the assent of the electors. The amendment clarifies that it is not necessary to have the assent of the electors for

1. acquiring land for flood control;
2. acquiring land under an agreement with another municipality for establishing public parks and making grants therefor;
3. establishing parking lots;
4. acquiring industrial sites;
5. civil defence purposes;
6. school and public library purposes.

- (2) The by-law shall provide for the raising in each year ^{Amounts to be raised annually} during the currency of the debentures, or any set of them, by a special rate on all the rateable property in the municipality of,

(a) a specific amount, sufficient to pay the interest on the debentures, or any set of them, when and as it becomes due; and

(b) a specific amount which, with the estimated interest, at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

- (3) Every money by-law passed under this section shall provide that the annual amounts to be raised under clause *b* of subsection 2 shall be paid by the treasurer of the municipality to the Treasurer of Ontario ^{Amounts payable to Treasurer of Ontario} in each year during the term of the debentures on or before the date of the debentures and subsections 2 to 7 of section 327 shall apply to such amounts.

32.—(1) Clause *b* of subsection 3 of section 300 of *The Municipal Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 243, s. 300, subs. 3, cl. *b*, re-enacted}

- (b) for borrowing money for any of the purposes mentioned in paragraph 13*a*, 29, 48, 51*a*, 51*b*, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

.

(2) Clause *i* of subsection 3 of the said section 300, as amended by section 17 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 243, s. 300, subs. 3, cl. *i*, re-enacted}

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7, section 29 or subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954*, or section 42 of *The Public Libraries Act*; or ^{Rev. Stat., c. 316, 310}

.

Rev. Stat.,
c. 243, s. 308,
subs. 1,
re-enacted

33. Subsection 1 of section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly rates
to be levied

Rev. Stat.,
c. 24

- (1) The council of every municipality in each year shall levy on the whole of the assessment for real property, business or other assessments made under *The Assessment Act*, according to the last revised assessment roll, a sum equal to the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation adopted under section 311 and an amount sufficient to pay all debts of the corporation including principal and interest maturing, and the necessary amounts required to be paid into the sinking fund, within the year.

Rev. Stat.,
c. 243, s. 309,
subs. 1,
amended

34. Subsection 1 of section 309 of *The Municipal Act* is amended by striking out the words "and subsection 3 of section 34 of *The Assessment Act*" in the eleventh and twelfth lines, so that the subsection shall read as follows:

Where rates
to be levied
on full
values

- (1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 29 of section 386 or in section 387 or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4.

Rev. Stat.,
c. 243, s. 310,
amended

35. Section 310 of *The Municipal Act* is amended by adding thereto the following subsections:

Power to
vary spe-
cial rate

- (1a) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill.

By-law in
force until
repealed

- (1b) A by-law passed under subsection 1 or 1a shall remain in force until amended or repealed, and it shall not be necessary to pass such by-law annually.

Rev. Stat.,
c. 243, s. 327,
subs. 1,
re-enacted

36.—(1) Subsection 1 of section 327 of *The Municipal Act* is repealed and the following substituted therefor:

Payment of
sinking
funds here-
tofore
established
to Treasurer
of Ontario

- (1) Where a by-law heretofore passed has provided for a sinking fund, the council may by by-law provide

SECTION 33. The amendment removes the limit of rates that can be levied in municipalities and makes it clear that municipalities must levy sufficient to meet the amounts required as set out in the adopted estimates, as provided in section 311 of *The Municipal Act*, and to pay all debts of the corporation.

SECTION 34. As section 34 of *The Assessment Act* is repealed by Bill No. 92 the reference in this Act is deleted accordingly.

SECTION 35. The amendment provides that a by-law passed under subsection 1 of section 310 providing for a special rate re membership fees in the Federation of Agriculture can be amended to vary the rate and that it is unnecessary to pass such a by-law annually.

SECTION 36—Subsection 1. The amendment is complementary to the new section 298*b* in section 31 of this bill.

Subsection 2. Self-explanatory.

Subsection 3. The present subsection provides that the payments into the sinking fund that are payable to the Treasurer of Ontario shall be a debt due to the Crown. The amendment is self-explanatory.

Subsection 4. The amendments provide for the payment of any surplus in a sinking fund to the municipality or school board and the payment of any deficit by a municipality or school board.

that the annual amounts levied for such sinking fund together with the earnings thereon and any future amounts levied therefor shall be paid to the Treasurer of Ontario.

(2) Subsection 2 of the said section 327 is amended by striking out the words "and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario" in the third, fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 327,
subs. 2,
amended

(2) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund.

Money so
received to
form part
of Consoli-
dated
Revenue
Fund

(3) Subsection 4 of the said section 327 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 327,
subs. 4,
re-enacted

(4) Where a municipality or a school board is in default in payment of the amount payable in any year into the sinking fund which under the by-law is to be paid to the Treasurer of Ontario,

Retention of
money
payable
to muni-
cipality or
school board
where muni-
cipality in
default

(a) the municipality or school board shall be liable to a penalty of 5 per cent of the amount in respect of which the municipality or school board is in default; and

(b) the Treasurer of Ontario may retain a portion of any money payable to the municipality or school board, equal to the amount in respect of which the municipality or school board is in default together with any penalty to which the municipality or school board is liable and shall credit any portion retained together with the penalty to the municipality or school board, as the case may be.

(4) The said section 327 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 243, s. 327,
amended

(6) Where, in the opinion of the Treasurer of Ontario, there is a surplus standing to the credit of any municipality or school board in the sinking fund held by the Treasurer on its behalf, such surplus shall be used to purchase unmatured debentures for which the sinking fund was established, or if such debentures have been fully paid, the surplus in the sinking fund shall be returned to the municipality or school board and shall form part of the general fund

Surplus

of the municipality or of the school board, as the case may be.

Deficit

- (7) Where the amount payable by a municipality or school board toward the retirement of the sinking fund debt, together with the earnings thereon, are insufficient to meet the debentures as they fall due, the municipality or school board, as the case may be, shall make up such deficit out of its general fund, notwithstanding that such debentures may have been issued by the municipality for or on behalf of a local board or commission.

Rev. Stat.,
c. 243, s. 386,
amended

37.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Agreements
to prevent
damage
by floods

- 13a. For entering into agreements with Her Majesty in right of Ontario and for entering into agreements with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be deemed necessary for that purpose.

(a) Such lands and premises shall be used and disposed of as directed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 24

(b) For the purposes of *The Assessment Act* such lands and premises shall be deemed a public park.

Rev. Stat.,
c. 243, s. 386,
par. 50, cl. c,
amended

(2) Clause *c* of paragraph 50 of the said section 386 is amended by striking out all the words after the word "appoint" in the third line and inserting in lieu thereof the words "not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council", so that the clause shall read as follows:

- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.

SECTION 37—Subsection 1. Self-explanatory.

Subsection 2. This amendment conforms to changes made in the composition of boards in *The Provincial Parks Act, 1954* and by amendments in 1954 to *The Community Centres Act*.

Subsection 3. The new paragraph 51a gives authority for two or more municipalities to enter into an agreement to jointly acquire and operate public parks.

The new paragraph 51b gives authority to municipalities to make grants to another municipality or board of park management to assist in maintaining and operating a public park outside the municipality making the grant.

Subsection 4. The paragraph dealing with the establishment of municipal parking lots is re-enacted. The amendment provides that such lots are deemed highways for the purpose of setting up parking meters thereon. The limitation of borrowing money over a five-year period is repealed.

(3) The said section 386 is amended by adding thereto the following paragraphs: Rev. Stat., c. 243, s. 386, amended

51a. For entering into an agreement with one or more municipalities for the purpose of, Joint acquisition and maintenance of public parks

(a) acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and

(b) maintaining or operating a public park within the municipality or within any other municipality.

51b. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality. Grants re public parks outside municipality

(4) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, subsection 2 of section 15 of *The Municipal Amendment Act, 1952* and subsection 7 of section 20 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 386, par. 52, re-enacted


52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for leasing such land and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking. Municipal parking lots

(a) A by-law under this paragraph may define vehicle for the purposes of the by-law. Definition of vehicle

(b) Land acquired under this paragraph shall be deemed to be a highway for the purposes of subsection 7 of section 486 and the said subsection 7 shall apply to such land. Application of s. 486, subs. 7

(c) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure section 492 shall apply. Procedure for voluntary payment of penalties out of court

(d) Where a municipality establishes a parking lot or lots or erects buildings thereon for such Reserve fund

purposes in the municipality at the expense of all of the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways. 

- (e) Such reserve fund shall be applied,
 - (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
 - (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
 - (iii) thirdly, for such other purposes as the Department may approve.
- (f)
 - (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.
 - (ii) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.
 - (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal

Levy of
parking lot
cost against
defined area

Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.

- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *d* or if no reserve fund has been set up under clause *d*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *e*.

52a. For establishing an authority to be known as "The ^{Independent} Parking Authority of the of", ^{parking} ^{authority} ^{authorized} and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

- (a) A parking authority established under this paragraph shall be a body corporate and shall ^{Incorporation and members} consist of three members, each of whom shall be a resident and ratepayer of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council
members not
qualified

- (b) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

- (c) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appoint-
ment of
members

- (d) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of
members

- (e) The members may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department.

Powers and
duties of
municipality
transferred
to authority

- (f) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide.

Power to
fix rates

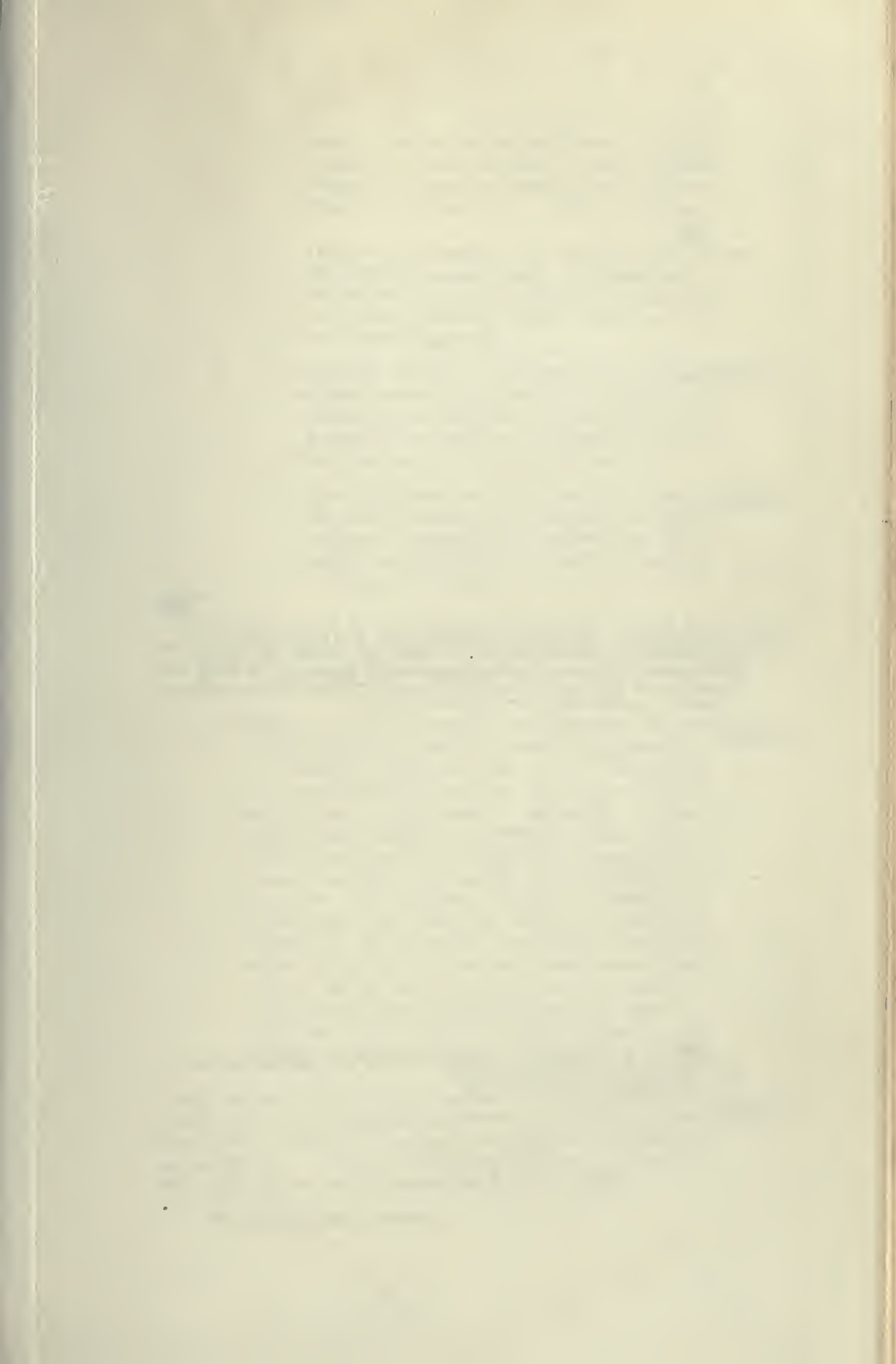
- (g) The parking authority shall fix rates and charges for the use of parking facilities under its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining.

Budget and
expenditures

- (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money.

Annual
report

- (i) On or before the 1st day of March in each year, the parking authority shall submit its



Subsection 5. The object of this amendment is to make it clear that municipalities can acquire land for, and erect and manage the various special undertakings set out in this section, subject to the approval of the Department of Municipal Affairs, whether or not such undertakings are memorials to persons who served in the armed forces.

SECTION 38. Subsection 3 of section 267 is repealed elsewhere in this bill. The reference is therefore deleted.

annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

- (j) The municipal auditor shall be the auditor of ^{Audit} the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection.
- (k) The powers, rights, authority and privilege ^{Debentures} of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority.
- (l) Upon the repeal of the by-law establishing ^{Abolition of authority} the parking authority, the parking authority shall cease to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

(5) Paragraph 53 of the said section 386 is amended by ^{Rev. Stat., c. 243, s. 386, par. 53, amended} inserting after the word "may" in the eighth line the words "or may not", so that the paragraph, exclusive of the clauses, shall read as follows:

53. Subject to the approval of the Department, for ^{Special undertakings} acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, or other places of recreation and amusement within or outside the municipality which may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

38. Section 387 of *The Municipal Act*, as amended by ^{Rev. Stat., c. 243, s. 387, amended} section 11 of *The Municipal Amendment Act, 1953*, is further amended by striking out the words "Subject to subsection 3 of section 267" at the commencement thereof, so that the section, exclusive of the clauses, shall read as follows:

387. By-laws may be passed,

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 11,
amended

39.—(1) Paragraph 11 of subsection 1 of section 388 of *The Municipal Act* is amended by inserting after the word “inspecting” in the first line the words “subject to *The Boilers and Pressure Vessels Act, 1951*”, so that the paragraph shall read as follows:

Regulation,
etc., of
heating
plant and
equipment
1951, c. 7

11. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act, 1951*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 91a
(1952,
c. 63, s. 16,
subs. 3),
amended

(2) Paragraph 91a of subsection 1 of the said section 388, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1952*, is amended by adding thereto the following clause:

Use

- (d) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purpose of sale or storage.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended

(3) Paragraph 109 of subsection 1 of the said section 388, as amended by subsection 5 of section 16 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word “vehicle” where it occurs the second time in the second line the words “and a trailer” and by striking out the words “which shall be approved of by the Municipal Board” in the seventh and eighth lines, so that the paragraph, exclusive of clause a, shall read as follows:

Licensing
users of
wheeled
vehicles
Rev. Stat.,
c. 167

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle and a trailer as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who

SECTION 39—Subsection 1. Self-explanatory.

Subsection 2. Paragraph 91*a* gives authority to municipalities to prohibit the use of trailers for living accommodation in the municipality or a defined area therein for more than a specified number of days but not less than 60 days. The amendment provides that a trailer shall be deemed to be in use on every day that it is located in the municipality or in the defined area.

Subsection 3. The amendment does away with the approval of the Municipal Board to the licence fee in paragraph 109.

Subsection 4. The new paragraphs give local municipalities authority to pass by-laws with respect to the subject matter in such paragraphs.

SECTION 40—Subsections 1 and 2. The amendment gives to local municipalities the authority to completely exclude from the municipality certain uses specified in the by-law.

contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

111a. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

Control of
land used
for disposal
of refuse

(a) A by-law under this paragraph,

(i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,

(ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,

(iii) may define industrial or domestic waste.

111b. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

Storing
motor
vehicles for
salvage

40.—(1) Paragraph 1 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word “by-law” in the second line the words “within the municipality or”, so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 1,
amended

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
use of land

(2) Paragraph 2 of subsection 1 of the said section 390 is amended by inserting after the word “by-law” in the third line the words “within the municipality or”, so that the paragraph shall read as follows:

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 2,
amended

Restricting
erection or
use of
buildings

2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended

(3) Paragraph 3 of subsection 1 of the said section 390, as amended by subsection 1 of section 17 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "land" in the second line the words "which is subject to flooding or on land", so that the paragraph shall read as follows:

Erection of
buildings on
unsuitable
lands

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 390,
subs. 6, re-
enacted

(4) Subsection 6 of the said section 390 is repealed and the following substituted therefor:

Excepted
lands and
buildings

- (6) No by-law passed under this section shall apply,

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected.

Rev. Stat.,
c. 243, s. 391,
par. 6,
amended

41. Paragraph 6 of section 391 of *The Municipal Act* is amended by striking out the words "*The Factory, Shop and Office Building Act*" in the first line and inserting in lieu thereof the words "*The Elevators and Lifts Act, 1953*", so that the paragraph shall read as follows:

Erection of
elevators
1953, c. 33

6. Subject to *The Elevators and Lifts Act, 1953* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting

Subsection 3. The amendment gives to local municipalities the authority to prohibit building on lands subject to flooding.

Subsection 4. Subsection 6 of the present section 390 permits the continuance of non-conforming uses in existence at the time of the passing of a zoning by-law. The subsection is re-written to make it clear that the exemption from the provisions of the by-law is only to the degree necessary to permit the continuance of the non-conforming use.

SECTION 41. The provisions of *The Factory, Shop and Office Building Act* referred to in paragraph 6 were transferred to *The Elevators and Lifts Act, 1953*. The reference in this paragraph is therefore changed accordingly.

SECTION 42. Section 411 was repealed and replaced by paragraph 19a of section 386 in 1954. The reference is changed accordingly.

SECTION 43—Subsection 1. At present by-laws may be passed for examining, licensing and regulating electricians. The amendment provides that a by-law may permit electricians registered with the Electrical Contractors Association of Ontario to carry on their trade without examination or licence.

Subsection 2. The limitations with respect to the licence fees for tourist camps and trailer camps are removed and the approval of the Department is dispensed with.

SECTION 44. At present cities are authorized to spend in each year for entertainment, travel, etc., between \$1,000 and \$50,000 depending on the population; towns are authorized to spend between \$1,000 and \$2,500 depending on the population; villages and townships \$500 and counties \$1,500.

The amendment authorizes all local municipalities to spend the amounts set out in clause *a* and a county the amount set out in clause *b*.

cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

42. Clause *d* of section 404 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 404, cl. *d*, re-enacted

(*d*) paragraph 19*a* of section 386.

43.—(1) Paragraph 3 of section 413 of *The Municipal Act* is amended by inserting after the word “electricians” in the third line the words “or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both”, so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat., c. 243, s. 413, par. 3, amended

3. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both. Electrical workers

(2) Clause *b* of paragraph 12 of the said section 413 is repealed. Rev. Stat., c. 243, s. 413, par. 12, cl. *b*, repealed

44. Section 421 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 421, re-enacted

421. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year, Expenses of entertaining guests and for travelling on civic business

(*a*) in the case of a local municipality having a population of,

(i) not less than 500,000—\$50,000,

(ii) not less than 200,000—\$30,000,

(iii) not less than 100,000—\$20,000,

(iv) not less than 50,000—\$10,000,

(v) not less than 20,000—\$3,000,

(vi) not less than 10,000—\$2,000,

(vii) less than 10,000—\$1,000; and

(b) in the case of a county—\$2,500.

Rev. Stat.,
c. 243, s. 469,
subs. 3,
re-enacted

45. Subsection 3 of section 469 of *The Municipal Act*, as amended by section 17 of *The Municipal Amendment Act, 1953*, is repealed and the following substituted therefor:

Approval of
Lieutenant-
Governor to
by-law

(3) A by-law passed under clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey,

(a) along the bank of any river, stream or other water;

(b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

shall not take effect until it has been approved by the Lieutenant-Governor in Council, and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained.

Rev. Stat.,
c. 243, s. 486,
par. 7,
amended

46.—(1) Paragraph 7 of section 486 of *The Municipal Act* is amended by striking out the words “or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating” in the first, second, third, fourth and fifth lines, so that the paragraph, exclusive of the clauses, shall read as follows:

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees
for parking

7. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary

SECTION 45. The subsection as re-enacted makes it clear that a by-law closing a road leading to the shore of a lake must be approved by the Lieutenant-Governor in Council before coming into force.

SECTION 46. The amendments repeal the authority to permit persons or corporations other than the municipality to install meters.

SECTION 47. The present section provides that a municipality may provide for a maximum penalty of \$50. The amendment increases the amount to \$300.

SECTION 48. This amendment permits the returning officer appointed to hold the election for police village trustees to vote.

SECTION 49. Self-explanatory.

standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

(2) Clauses *a* and *b* of paragraph 7 of the said section 486 are repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 486,
par. 7, cl. *a*,
re-enacted;
clause *b*,
repealed

- (a) No municipality or municipal parking authority shall, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Limitation
of actions
except for
negligence

47. Subsection 1 of section 492 of *The Municipal Act* is amended by striking out the symbol and figures "\$50" in the third line and inserting in lieu thereof the symbol and figures "\$300", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 492,
subs. 1,
amended

- (1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing penalties of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Power to
impose
penalties

48. Section 503 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 243, s. 503,
amended

- (2a) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer shall be entitled to vote at the election if otherwise qualified.

Returning
officer
may vote

49. Form 2 of *The Municipal Act* is amended by striking out the words "His Majesty King George VI" in the third line and inserting in lieu thereof the words "Her Majesty Queen Elizabeth II".

Rev. Stat.,
c. 243,
Form 2,
amended

Rev. Stat.,
c. 243,
Form 11,
par. 8,
re-enacted

50. Paragraph 8 of Form 11 of *The Municipal Act* is repealed and the following substituted therefor:

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

Authority
to acquire
certain
parking lots

51. Every municipality shall be deemed to have had authority to acquire, establish, lay out and improve land for the parking of vehicles and to erect buildings for such purposes thereon and to operate such parking lots, and paragraphs 52 and 52a of section 386 of *The Municipal Act* shall apply to parking lots acquired before this section comes into force.

Assent of
electors to
certain
by-laws

52. All municipal by-laws for the issue of debentures for the purpose of purchasing industrial sites passed before this section comes into force shall be deemed to have received the assent of the municipal electors.

Hurricane
relief
grants

53. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to make grants to the Ontario Hurricane Relief Fund established to assist persons who or whose property suffered injury or damage as a result of the "Hurricane Hazel" that occurred in Ontario on or about the 15th day of October, 1954.

Commence-
ment

54.—(1) This Act, except sections 1, 2, 3, 4, 24, subsection 1 of section 37 and section 44, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2 and 24 and subsection 1 of section 37 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 3, 4 and 44 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

55. This Act may be cited as *The Municipal Amendment Act, 1955*.

SECTION 50. The amendment is complementary to section 7 of the bill.

SECTION 51. Paragraphs 52 and 52a of section 386 of *The Municipal Act* dealing with municipal parking lots and parking authorities are made applicable to parking lots acquired and operated by municipalities without authority.

SECTION 52. The Department and the Ontario Municipal Board approved of a number of by-laws for the issue of debentures re industrial sites notwithstanding that the assent of the electors was required. The amendment to section 300 of *The Municipal Act* elsewhere in this bill will except the borrowing of money for the purchase of industrial sites from the requirement of obtaining the assent of the electors.

This section dispenses with such requirement in respect of by-laws passed before this section comes into force.

SECTION 53. Self-explanatory.



BILL

An Act to amend The Municipal Act

1st Reading

February 28th, 1955

2nd Reading

3rd Reading

MR. PORTER

*(Reprinted as amended by the Committee
on Municipal Law)*

No. 71

5TH SESSION, 24TH LEGISLATURE, ONTARIO
4 ELIZABETH II, 1955

BILL

An Act to amend The Municipal Act

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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1871

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW YORK

1871

1871

No. 71

1955

BILL

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words and figures "sub-section 10 of section 14, the provisions of which subsection" in the fifth and sixth lines and inserting in lieu thereof the words and figures "subsections 7, 10, 11 and 13, the provisions of which subsections", so that the subsection shall read as follows:

- (3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 7, 10, 11 and 13, the provisions of which subsections shall apply *mutatis mutandis*.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following subsection:

- (3) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary.

3. Subsection 10 of section 14 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by adding thereto the following clause:

- (l) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Rev. Stat.,
c. 243, s. 24
(1954,
c. 56, s. 1),
subs. 35,
amended

4. Subsection 35 of section 24 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954*, is amended by striking out the words "as equalized" in the first line and by inserting after the word "assessments" in the second line the words "as equalized", so that the subsection shall read as follows:

Basis for
raising
required
sums

- (35) The assessment of real property and business assessments as equalized in each municipality for the preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

Rev. Stat.,
c. 243, s. 53,
subs. 1,
amended

5. Subsection 1 of section 53 of *The Municipal Act* is amended by adding at the commencement thereof the words "In a county", so that the subsection shall read as follows:

Councils of
villages and
townships
in counties

- (1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 243, s. 59,
amended

6. Section 59 of *The Municipal Act* is amended by striking out the words and figures "sections 62, 63 and 64" in the first line and inserting in lieu thereof the words and figures "sections 62 and 63".

Rev. Stat.,
c. 243, s. 64,
repealed

7. Section 64 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 68,
repealed

8. Section 68 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243, s. 70,
subs. 4,
amended

9. Subsection 4 of section 70 of *The Municipal Act* is amended by striking out the words "attached thereto" in the second line, so that the subsection shall read as follows:

When
proposed
candidate
absent

- (4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is

evidence satisfactory to the returning officer that he consents to be so nominated.

10. Section 77 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1951*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 77, re-enacted

77.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years. Two-year term

(2) A by-law passed under subsection 1 may provide, Biennial elections; staggered system

(a) for biennial elections, in which case an election shall be held every two years; or

(b) for the staggered system of elections in which case an election shall be held every year.

(3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term. Biennial elections

(4) Where the by-law provides for the staggered system, Staggered system

(a) the mayor, the reeve and the deputy reeve or deputy reeves elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term;

(b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;

(c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each member shall be elected for a two-year term;

(d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each member shall be elected for a two-year term;

(e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.

Acclama-
tions

(5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

Local boards

Rev. Stat.,
c. 96

(6) Where a by-law has been or is passed under subsection 1, the council may by by-law passed not later in the year than the 1st day of November provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 shall apply *mutatis mutandis*.

- (7) A by-law under subsection 6 shall be passed not later in the year than the 1st day of November, and ^{Time for passing by-law under subs. 6}
- (a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;
- (b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year.
- (8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors. ^{Time for passing by-law; assent of electors}
- (9) Subject to section 77a, where a by-law passed under subsection 1 is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the repealing by-law is passed and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1. ^{Repeal}
- 77a.—(1) Notwithstanding any general or special Act, where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections. ^{Change from biennial to staggered system}
- (2) Where a by-law is passed under subsection 1, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 77 shall apply *mutatis mutandis*. ^{Idem}
- (3) Notwithstanding any general or special Act, where a by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections. ^{Change from staggered to biennial system}

Idem

- (4) Where a by-law is passed under subsection 3, the members of the council and, where the power conferred by subsection 6 of section 77 has been exercised, the elected members of any local board affected shall cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 77 shall apply *mutatis mutandis*.

Time for
passing of
by-law;
assent of
electors

- (5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the electors.

Rev. Stat.,
c. 243, s. 80,
amended

11. Section 80 of *The Municipal Act* is amended by adding at the commencement thereof the words "Except as provided in section 503", so that the section shall read as follows:

Clerk to be
returning
officer for
whole
municipality

80. Except as provided in section 503, the clerk shall be the returning officer for the whole municipality, and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions.

Rev. Stat.,
c. 243, s. 81,
subs. 2,
amended

12. Subsection 2 of section 81 of *The Municipal Act* is amended by striking out the words "initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be" in the fifth and sixth lines and inserting in lieu thereof the words "numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein", so that the subsection shall read as follows:

Polling
places to
be provided

- (2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets which designate the properties in respect of which the electors are qualified to vote therein.

Rev. Stat.,
c. 243,
amended

13. *The Municipal Act* is amended by adding thereto the following sections:

Composite
ballot
papers
authorized

- 95a.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers which shall contain the names of the candidates for each office

arranged alphabetically in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

(2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and

(b) any municipal question or by-law on which a vote is to be taken.

(3) No elector shall be given a composite ballot paper ^{Idem} containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

(4) Every portion of a composite ballot paper used in ^{Form} place of a separate ballot paper shall conform as closely as can be to the form required for such separate ballot paper under this Act.

95b. In place of using ballot papers under this Act, ^{Voting machines} with the approval of the Department, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of voting machines for one or more polling subdivisions.

14. Subsection 1 of section 102 of *The Municipal Act* is ^{Rev. Stat., c. 243, s. 102, subs. 1, re-enacted} repealed and the following substituted therefor:

(1) Where the whole or any part of a municipality, or ^{Voters' lists on formation of new corporation, etc.} locality without municipal organization, has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed or of the municipality

from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached.

Rev. Stat.,
c. 243, s. 104,
subs. 1,
amended

15. Subsection 1 of section 104 of *The Municipal Act* is amended by striking out the words "the first and second parts of" in the eighth line, so that the subsection shall read as follows:

Preparation
of list of
defaulters

- (1) In municipalities, the councils of which have passed by-laws under paragraph 65 of subsection 1 of section 388, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the annual election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid.

Rev. Stat.,
c. 243, s. 111,
repealed

16. Section 111 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 1,
re-enacted

17.—(1) Subsection 1 of section 111a of *The Municipal Act*, as enacted by section 8 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

Advance
poll

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling.

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 8,
re-enacted

(2) Subsection 8 of the said section 111a is repealed and the following substituted therefor:

Declaration
by voter

- (8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

I,....., declare that I

(a) expect to be absent from the municipality of.....; or

(b) as an election official will be unable to attend the poll at which I am entitled to vote,

on the day fixed for polling.

Dated at,
this.....day of
....., 19...

Witness:

.....
Signature of Voter

.....
Deputy Returning Officer

(3) Subsection 17 of the said section 111a is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
s. 111a
(1952,
c. 63, s. 8),
subs. 17,
re-enacted

- (17) This section applies to an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and to voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act.

Application
of section

18. Subsection 3 of section 112 of *The Municipal Act* is amended by striking out the words and figures "Subsections 7, 8, 9, 13 and 14 of section 111" in the first line and inserting in lieu thereof the words and figures "Subsections 4, 5, 6, 10 and 11 of section 111a", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 112,
subs. 3,
amended

- (3) Subsections 4, 5, 6, 10 and 11 of section 111a shall apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding the said poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections.

Application
of s. 111a

19. Section 113 of *The Municipal Act* is amended by adding at the end thereof the words "until the box is required to be opened for the purpose of counting the votes under section 127", so that the section shall read as follows:

Rev. Stat.,
c. 243, s. 113,
amended

Deputy
returning
officer to
show box
empty to
persons pre-
sent and
then lock
and seal it

113. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 127.

Rev. Stat.,
c. 243, s. 128,
amended

- 20.** Section 128 of *The Municipal Act* is amended by adding thereto the following subsection:

Composite
ballots

- (3) Where on a composite ballot paper,

- (a) votes are given for more candidates for any office than are to be elected; or
- (b) votes are given for the affirmative and negative on any by-law or question,

the vote shall be void as regards the candidates for such office or as regards the by-law or question, as the case may be, but shall not affect the votes for any other offices, by-laws or questions in respect of which a vote is correctly indicated.

Rev. Stat.,
c. 243, s. 138,
re-enacted

- 21.** Section 138 of *The Municipal Act* is repealed and the following substituted therefor:

Clerk to
cast up
votes and
declare what
candidates
elected

138. The clerk, after he has received the ballot boxes and other documents referred to in section 133, including the duplicate statements of the number of votes given by each polling place, without opening any of the ballot boxes, shall cast up from such duplicate statements the number of votes for each candidate and at the town hall, or if there is no town hall, at some other public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

22.—(1) Subsection 1 of section 141 of *The Municipal Act* is amended by striking out the words and figures “city having a population of not less than 100,000” in the fourteenth line and inserting in lieu thereof the words “local municipality”, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 141,
subs. 1,
amended

- (1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a local municipality, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

Application
for recount
or readdi-
tion

(2) Subsection 2 of the said section 141 is amended by striking out the words and figures “city having a population of not less than 100,000” in the second and third lines and inserting in lieu thereof the words “local municipality divided into wards” and by striking out the words “of such city” in the fifth line, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 141,
subs. 2,
amended

- (2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or readdition shall be conducted separately in each ward, and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section.

Deputies
in munic-
ipalities
divided
into wards

23. Section 244 of *The Municipal Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 243, s. 244,
amended

Deputy
assessment
commis-
sioner

- (1a) The council of a local municipality may appoint a deputy assessment commissioner who shall have all the powers and duties of an assessment commissioner under this and every other Act.

Acting
assessment
commis-
sioner

- (1b) When the office of the assessment commissioner is vacant or the assessment commissioner is unable to carry out his duties through illness or otherwise, the council of a local municipality may appoint an acting assessment commissioner *pro tempore* who shall have all the powers and duties of the assessment commissioner under this and every other Act.

Rev. Stat.,
c. 243, s. 257,
subs. 1,
re-enacted

24.—(1) Subsection 1 of section 257 of *The Municipal Act* is repealed and the following substituted therefor:

Retirement
allowances

- (1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who,

Rev. Stat.,
c. 96

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

Contribu-
tions by
municipality
or local
board

- (1a) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee, may contribute to such allowance by agreement with the municipality granting the allowance.

Rev. Stat.,
c. 243, s. 257,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 257 is repealed and the following substituted therefor:

Application
of section

- (3) This section shall not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948.

25. Section 262 of *The Municipal Act* is amended Rev. Stat., c. 243, s. 262 amended by striking out the words "31st day of December in the year for which its members were elected" in the second and third lines and inserting in lieu thereof the words "day the poll is held for the election of the new council for the following year" and by inserting after the word "money" in the fourth line the words "other than that provided in the estimates for the current year", so that the section shall read as follows:

262. The council of a local municipality shall not, after Certain acts not to be done by councils after day poll is held the day the poll is held for the election of the new council for the following year, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do.

26. Subsection 9 of section 263 of *The Municipal Act*, as Rev. Stat., c. 243, s. 263, subs. 9 (1954, c. 56, s. 12, subs. 2), amended enacted by subsection 2 of section 12 of *The Municipal Amendment Act, 1954*, is amended by inserting after the word "in" in the second line the words "refusing or", so that the subsection shall read as follows:

(9) Notwithstanding subsection 4, the decision of a Appeal from decision of police commissioners in licence matters board of commissioners of police in refusing or revoking a licence shall be subject to an appeal therefrom to a judge of the Supreme Court whose decision shall be final.

27. Subsection 1 of section 264 of *The Municipal Act* Rev. Stat., c. 243, s. 264, subs. 1, amended is amended by striking out the words "section 81 of *The Telephone Act*" in the second line and inserting in lieu thereof the words "section 62 of *The Telephone Act, 1954*", so that the subsection shall read as follows:

(1) Subject to section 265, and to section 6 of *The Ferries Act* and to section 62 of *The Telephone Act, 1954*, a council shall not confer on any person the Granting monopolies prohibited exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business. Rev. Stat., c. 135; 1954, c. 94

Rev. Stat.,
c. 243, s. 267,
re-enacted

28. Section 267 of *The Municipal Act* is repealed and the following substituted therefor:

Borrowing
powers

267. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Rev. Stat.,
c. 243, s. 276,
subs. 1, cl. d,
amended

29. Clause *d* of subsection 1 of section 276 of *The Municipal Act* is amended by striking out the word and letter "clause *d*" in the third line and inserting in lieu thereof the words and letters "clauses *d* or *e*", so that the clause shall read as follows:

(*d*) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clauses *d* or *e* of subsection 1 of section 58.

Rev. Stat.,
c. 243, s. 298,
subs. 13,
amended

30.—(1) Subsection 13 of section 298 of *The Municipal Act* is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the subsection, exclusive of the clauses, shall read as follows:

Redemption
before
maturity

(13) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the corporation on any date prior to maturity subject to the following provisions:

Rev. Stat.,
c. 243, s. 298,
subs. 13,
cl. d,
amended

(2) Clause *d* of subsection 13 of the said section 298 is amended by striking out all the words after the word "and" in the third line and inserting in lieu thereof the words "in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide", so that the clause shall read as follows:

Publication
of notice

(*d*) At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide.

Rev. Stat.,
c. 243,
amended

31. *The Municipal Act* is amended by adding thereto the following section:

Debentures
payable at
a fixed date

298*b*.—(1) Notwithstanding section 298, with the approval of the Municipal Board, a money by-law may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually.

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, or any set of them, by a special rate on all the rateable property in the municipality of, Amounts to be raised annually

(a) a specific amount, sufficient to pay the interest on the debentures, or any set of them, when and as it becomes due; and

(b) a specific amount which, with the estimated interest, at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

- (3) Every money by-law passed under this section shall provide that the annual amounts to be raised under clause *b* of subsection 2 shall be paid by the treasurer of the municipality to the Treasurer of Ontario in each year during the term of the debentures on or before the date of the debentures and subsections 2 to 7 of section 327 shall apply to such amounts. Amounts payable to Treasurer of Ontario

32.—(1) Clause *b* of subsection 3 of section 300 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 300, subs. 3, cl. b, re-enacted

- (b) for borrowing money for any of the purposes mentioned in paragraph 13*a*, 29, 48, 51*a*, 51*b*, 52 or 53 of section 386, or in subclause ii or iii of clause *b* of section 387, or in paragraph 63, 84, 85 or 86 of subsection 1 of section 388; or

.

(2) Clause *i* of subsection 3 of the said section 300, as amended by section 17 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat., c. 243, s. 300, subs. 3, cl. i, re-enacted

- (i) for borrowing money for any of the purposes mentioned in section 56 or 58 of *The Public Schools Act*, or subsection 1 of section 7, section 29 or subsection 5 of section 33 of *The Secondary Schools and Boards of Education Act, 1954*, or section 42 of *The Public Libraries Act*; or Rev. Stat., c. 316, 310 1954, c. 87

.

Rev. Stat.,
c. 243, s. 308,
subs. 1,
re-enacted

33. Subsection 1 of section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Yearly rates
to be levied

- (1) The council of every municipality in each year shall levy on the whole of the assessment for real property, business or other assessments made under *The Assessment Act*, according to the last revised assessment roll, a sum equal to the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation adopted under section 311 and an amount sufficient to pay all debts of the corporation including principal and interest maturing, and the necessary amounts required to be paid into the sinking fund, within the year.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 309,
subs. 1,
amended

34. Subsection 1 of section 309 of *The Municipal Act* is amended by striking out the words "and subsection 3 of section 34" in the eleventh line, so that the subsection shall read as follows:

Where rates
to be levied
on full
values

- (1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 29 of section 386 or in section 387 or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*.

Rev. Stat.,
c. 24

Rev. Stat.,
c. 243, s. 310,
amended

35. Section 310 of *The Municipal Act* is amended by adding thereto the following subsections:

Power to
vary spe-
cial rate

- (1a) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill.

By-law in
force until
repealed

- (1b) A by-law passed under subsection 1 or 1a shall remain in force until amended or repealed, and it shall not be necessary to pass such by-law annually.

Rev. Stat.,
c. 243, s. 327,
subs. 1,
re-enacted

36.—(1) Subsection 1 of section 327 of *The Municipal Act* is repealed and the following substituted therefor:

Payment of
sinking
funds here-
tofore
established
to Treasurer
of Ontario

- (1) Where a by-law heretofore passed has provided for a sinking fund, the council may by by-law provide

that the annual amounts levied for such sinking fund together with the earnings thereon and any future amounts levied therefor shall be paid to the Treasurer of Ontario.

(2) Subsection 2 of the said section 327 is amended by striking out the words "and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario" in the third, fourth and fifth lines, so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 327,
subs. 2,
amended

(2) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund.

Money so
received to
form part
of Consoli-
dated
Revenue
Fund

(3) Subsection 4 of the said section 327 is repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 327,
subs. 4,
re-enacted

(4) Where a municipality or a school board is in default in payment of the amount payable in any year into the sinking fund which under the by-law is to be paid to the Treasurer of Ontario,

Retention of
money
payable
to munici-
pality or
school board
where munici-
pality in
default

(a) the municipality or school board shall be liable to a penalty of 5 per cent of the amount in respect of which the municipality or school board is in default; and

(b) the Treasurer of Ontario may retain a portion of any money payable to the municipality or school board, equal to the amount in respect of which the municipality or school board is in default together with any penalty to which the municipality or school board is liable and shall credit any portion retained together with the penalty to the municipality or school board, as the case may be.

(4) The said section 327 is amended by adding thereto the following subsections:

Rev. Stat.,
c. 243, s. 327,
amended

(6) Where, in the opinion of the Treasurer of Ontario, there is a surplus standing to the credit of any municipality or school board in the sinking fund held by the Treasurer on its behalf, such surplus shall be used to purchase unmatured debentures for which the sinking fund was established, or if such debentures have been fully paid, the surplus in the sinking fund shall be returned to the municipality or school board and shall form part of the general fund

Surplus

of the municipality or of the school board, as the case may be.

Deficit

- (7) Where the amount payable by a municipality or school board toward the retirement of the sinking fund debt, together with the earnings thereon, are insufficient to meet the debentures as they fall due, the municipality or school board, as the case may be, shall make up such deficit out of its general fund, notwithstanding that such debentures may have been issued by the municipality for or on behalf of a local board or commission.

Rev. Stat.,
c. 243, s. 386,
amended

37.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph:

Agreements
to prevent
damage
by floods

- 13a. For entering into agreements with Her Majesty in right of Ontario and for entering into agreements with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other municipality for the purpose of preventing damage by floods and for doing all such things as may be deemed necessary for that purpose.

(a) Such lands and premises shall be used and disposed of as directed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 24

(b) For the purposes of *The Assessment Act* such lands and premises shall be deemed a public park.

Rev. Stat.,
c. 243, s. 386,
par. 50, cl. c,
amended

(2) Clause *c* of paragraph 50 of the said section 386 is amended by striking out all the words after the word "appoint" in the third line and inserting in lieu thereof the words "not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council", so that the clause shall read as follows:

- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and where the board is composed of five or more persons, at least two shall be members of the council.

(3) The said section 386 is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 243, s. 386,
amended

51a. For entering into an agreement with one or more municipalities for the purpose of, Joint
acquisition
and main-
tenance of
public
parks

(a) acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and

(b) maintaining or operating a public park within the municipality or within any other municipality.

51b. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality. Grants re
public parks
outside
municipality

(4) Paragraph 52 of the said section 386, as amended by subsection 2 of section 15 of *The Municipal Amendment Act, 1951*, subsection 2 of section 15 of *The Municipal Amendment Act, 1952* and subsection 7 of section 20 of *The Municipal Amendment Act, 1954*, is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 386,
par. 52,
re-enacted

52. For acquiring, establishing, laying out and improving land where vehicles may be parked and for leasing such land and for erecting buildings for such purposes thereon, and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking. Municipal
parking
lots

(a) A by-law under this paragraph may define vehicle for the purposes of the by-law. Definition
of vehicle

(b) Land acquired under this paragraph shall be deemed to be a highway for the purposes of subsection 7 of section 486 and the said subsection 7 shall apply to such land. Application
of s. 486,
subs. 7

(c) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure section 492 shall apply. Procedure
for voluntary
payment of
penalties
out of court

(d) Where a municipality establishes a parking lot or lots or erects buildings thereon for such Reserve fund

purposes in the municipality at the expense of all of the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways.

(e) Such reserve fund shall be applied,

- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
- (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
- (iii) thirdly, for such other purposes as the Department may approve.

Levy of
parking lot
cost against
defined area

- (f) (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in a defined area in the municipality which in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.
- (ii) In determining the portion chargeable to each parcel, regard shall be had to the benefit accruing to that parcel from the establishment of the parking lot, so that the entire cost chargeable to lands in the defined area shall be equitably apportioned between all the parcels in accordance with the benefits received.
- (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal

Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.

- (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.
- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *d* or if no reserve fund has been set up under clause *d*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *e*.

52a. For establishing an authority to be known as "The ^{Independent parking authority authorized} Parking Authority of the of", and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

- (a) A parking authority established under this paragraph shall be a body corporate and shall ^{Incorporation and members} consist of three members, each of whom shall be a resident and ratepayer of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council
members not
qualified

- (b) No member of the council shall be eligible to be appointed a member of the parking authority.

Vacancies

- (c) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Re-appoint-
ment of
members

- (d) Any member shall be eligible for re-appointment on the expiration of his term of office.

Salary of
members

- (e) The members may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department.

Powers and
duties of
municipality
transferred
to authority

- (f) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide.

Power to
fix rates

- (g) The parking authority shall fix rates and charges for the use of parking facilities under its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining.

Budget and
expenditures

- (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein shall divest the council of its authority with reference to providing the money for the purposes of the parking authority, and when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money.

Annual
report

- (i) On or before the 1st day of March in each year, the parking authority shall submit its

annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

- (j) The municipal auditor shall be the auditor of ^{Audit} the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection.
- (k) The powers, rights, authority and privilege ^{Debentures} of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority.
- (l) Upon the repeal of the by-law establishing ^{Abolition of authority} the parking authority, the parking authority shall cease to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality.

(5) Paragraph 53 of the said section 386 is amended by ^{Rev. Stat., c. 243, s. 386, par. 53, amended} inserting after the word "may" in the eighth line the words "or may not", so that the paragraph, exclusive of the clauses, shall read as follows:

53. Subject to the approval of the Department, for ^{Special undertakings} acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, or other places of recreation and amusement within or outside the municipality which may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

38. Section 387 of *The Municipal Act*, as amended by ^{Rev. Stat., c. 243, s. 387, amended} section 11 of *The Municipal Amendment Act, 1953*, is further amended by striking out the words "Subject to subsection 3 of section 267" at the commencement thereof, so that the section, exclusive of the clauses, shall read as follows:

387. By-laws may be passed,

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 11,
amended

39.—(1) Paragraph 11 of subsection 1 of section 388 of *The Municipal Act* is amended by inserting after the word “inspecting” in the first line the words “subject to *The Boilers and Pressure Vessels Act, 1951*”, so that the paragraph shall read as follows:

Regulation,
etc., of
heating
plant and
equipment
1951, c. 7

11. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act, 1951*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 91a
(1952,
c. 63, s. 16,
subs. 3),
amended

(2) Paragraph 91a of subsection 1 of the said section 388, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1952*, is amended by adding thereto the following clause:

Use

- (d) For the purposes of this paragraph, a trailer shall be deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purpose of sale or storage.

Rev. Stat.,
c. 243, s. 388,
subs. 1,
par. 109,
amended

(3) Paragraph 109 of subsection 1 of the said section 388, as amended by subsection 5 of section 16 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word “vehicle” where it occurs the second time in the second line the words “and a trailer” and by striking out the words “which shall be approved of by the Municipal Board” in the seventh and eighth lines, so that the paragraph, exclusive of clause a, shall read as follows:

Licensing
users of
wheeled
vehicles
Rev. Stat.,
c. 167

109. Requiring all residents in the municipality owning and using any wheeled vehicle other than a motor vehicle and a trailer as defined in *The Highway Traffic Act* to obtain a licence therefor before using the same upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who

contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 243, s. 388,
subs. 1,
amended

111a. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind. Control of
land used
for disposal
of refuse

(a) A by-law under this paragraph,

(i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,

(ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,

(iii) may define industrial or domestic waste.

111b. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal. Storing
motor
vehicles for
salvage

40.—(1) Paragraph 1 of subsection 1 of section 390 of *The Municipal Act* is amended by inserting after the word "by-law" in the second line the words "within the municipality or", so that the paragraph shall read as follows: Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 1
amended

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway. Restricting
use of land

(2) Paragraph 2 of subsection 1 of the said section 390 is amended by inserting after the word "by-law" in the third line the words "within the municipality or", so that the paragraph shall read as follows: Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 2
amended

Restricting
erection or
use of
buildings

2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Rev. Stat.,
c. 243, s. 390,
subs. 1,
par. 3,
amended

- (3) Paragraph 3 of subsection 1 of the said section 390, as amended by subsection 1 of section 17 of *The Municipal Amendment Act, 1951*, is further amended by inserting after the word "land" in the second line the words "which is subject to flooding or on land", so that the paragraph shall read as follows:

Erection of
buildings on
unsuitable
lands

3. For prohibiting the erection of a building or structure for residential or commercial purposes on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Rev. Stat.,
c. 243, s. 390,
subs. 6, re-
enacted

- (4) Subsection 6 of the said section 390 is repealed and the following substituted therefor:

Excepted
lands and
buildings

- (6) No by-law passed under this section shall apply,

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected.

Rev. Stat.,
c. 243, s. 391,
par. 6,
amended

41. Paragraph 6 of section 391 of *The Municipal Act* is amended by striking out the words "*The Factory, Shop and Office Building Act*" in the first line and inserting in lieu thereof the words "*The Elevators and Lifts Act, 1953*", so that the paragraph shall read as follows:

Erection of
elevators
1953, c. 33

6. Subject to *The Elevators and Lifts Act, 1953* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting

cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

42. Clause *d* of section 404 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 404,
cl. *d*, re-
enacted

(*d*) paragraph 19*a* of section 386.

43.—(1) Paragraph 3 of section 413 of *The Municipal Act* is amended by inserting after the word "electricians" in the third line the words "or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both", so that the paragraph, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 243, s. 413,
par. 3,
amended

3. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both. Electrical
workers

(2) Clause *b* of paragraph 12 of the said section 413 is repealed. Rev. Stat.,
c. 243, s. 413,
par. 12, cl. *b*,
repealed

44. Section 421 of *The Municipal Act*, as amended by section 24 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 421,
re-enacted

421. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year, Expenses of
entertaining
guests and
for travelling
on civic
business

(*a*) in the case of a local municipality having a population of,

(i) not less than 500,000—\$50,000,

(ii) not less than 200,000—\$30,000,

(iii) not less than 100,000—\$20,000,

(iv) not less than 50,000—\$10,000,

(v) not less than 20,000—\$3,000,

(vi) not less than 10,000—\$2,000,

(vii) less than 10,000—\$1,000; and

(b) in the case of a county—\$2,500.

Rev. Stat.,
c. 243, s. 469,
subs. 3,
re-enacted

45. Subsection 3 of section 469 of *The Municipal Act*, as amended by section 17 of *The Municipal Amendment Act, 1953*, is repealed and the following substituted therefor:

Approval of
Lieutenant-
Governor to
by-law

(3) A by-law passed under clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey,

(a) along the bank of any river, stream or other water;

(b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

shall not take effect until it has been approved by the Lieutenant-Governor in Council, and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained.

Rev. Stat.,
c. 243, s. 486,
par. 7,
amended

46.—(1) Paragraph 7 of section 486 of *The Municipal Act* is amended by striking out the words "or granting to any person for such period of time, not exceeding five years, and upon such terms and conditions as the council may deem expedient, the exclusive right for erecting, maintaining and operating" in the first, second, third, fourth and fifth lines, so that the paragraph, exclusive of the clauses, shall read as follows:

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees
for parking

7. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary

standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle parked on such highways to make use of the said meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of the said meters or devices and pay the said fees.

(2) Clauses *a* and *b* of paragraph 7 of the said section 486 are repealed and the following substituted therefor:

Rev. Stat.,
c. 243, s. 486,
par. 7, cl. *a*,
re-enacted;
clause *b*,
repealed

(a) No municipality or municipal parking authority shall, except in case of negligence, be liable for personal injury or for damage by reason of the erection, maintenance or operation of the said meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law.

Limitation
of actions
except for
negligence

47. Subsection 1 of section 492 of *The Municipal Act* is amended by striking out the symbol and figures "\$50" in the third line and inserting in lieu thereof the symbol and figures "\$300", so that the subsection shall read as follows:

Rev. Stat.,
c. 243, s. 492,
subs. 1,
amended

(1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing penalties of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Power to
impose
penalties

48. Section 503 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 243, s. 503,
amended

(2a) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer shall be entitled to vote at the election if otherwise qualified.

Returning
officer
may vote

49. Form 2 of *The Municipal Act* is amended by striking out the words "His Majesty King George VI" in the third line and inserting in lieu thereof the words "Her Majesty Queen Elizabeth II".

Rev. Stat.,
c. 243,
Form 2,
amended

Rev. Stat.,
c. 243,
Form 11,
par. 8,
re-enacted

50. Paragraph 8 of Form 11 of *The Municipal Act* is repealed and the following substituted therefor:

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

Authority
to acquire
certain
parking lots

51. Every municipality shall be deemed to have had authority to acquire, establish, lay out and improve land for the parking of vehicles and to erect buildings for such purposes thereon and to operate such parking lots, and paragraphs 52 and 52a of section 386 of *The Municipal Act* shall apply to parking lots acquired before this section comes into force.

Assent of
electors to
certain
by-laws

52. All municipal by-laws for the issue of debentures for the purpose of purchasing industrial sites passed before this section comes into force shall be deemed to have received the assent of the municipal electors.

Hurricane,
relief
grants

53. Every municipality, including The Municipality of Metropolitan Toronto, shall be deemed to have had authority to make grants to the Ontario Hurricane Relief Fund established to assist persons who or whose property suffered injury or damage as a result of the "Hurricane Hazel" that occurred in Ontario on or about the 15th day of October, 1954.

Commence-
ment

54.—(1) This Act, except sections 1, 2, 3, 4, 24, subsection 1 of section 37 and section 44, comes into force on the day it receives Royal Assent.

Idem

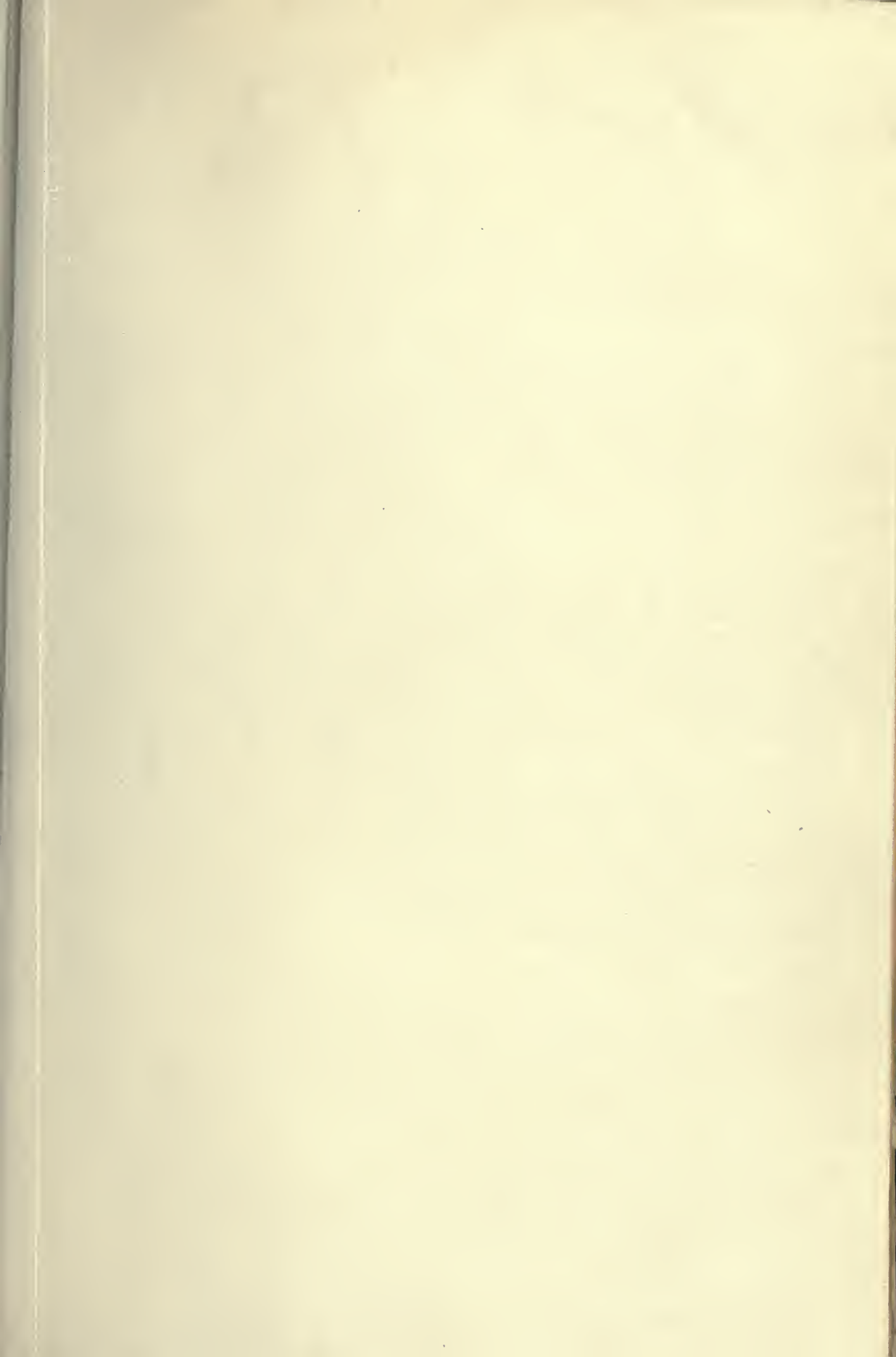
(2) Sections 1, 2 and 24 and subsection 1 of section 37 shall be deemed to have come into force on the 1st day of January, 1954.

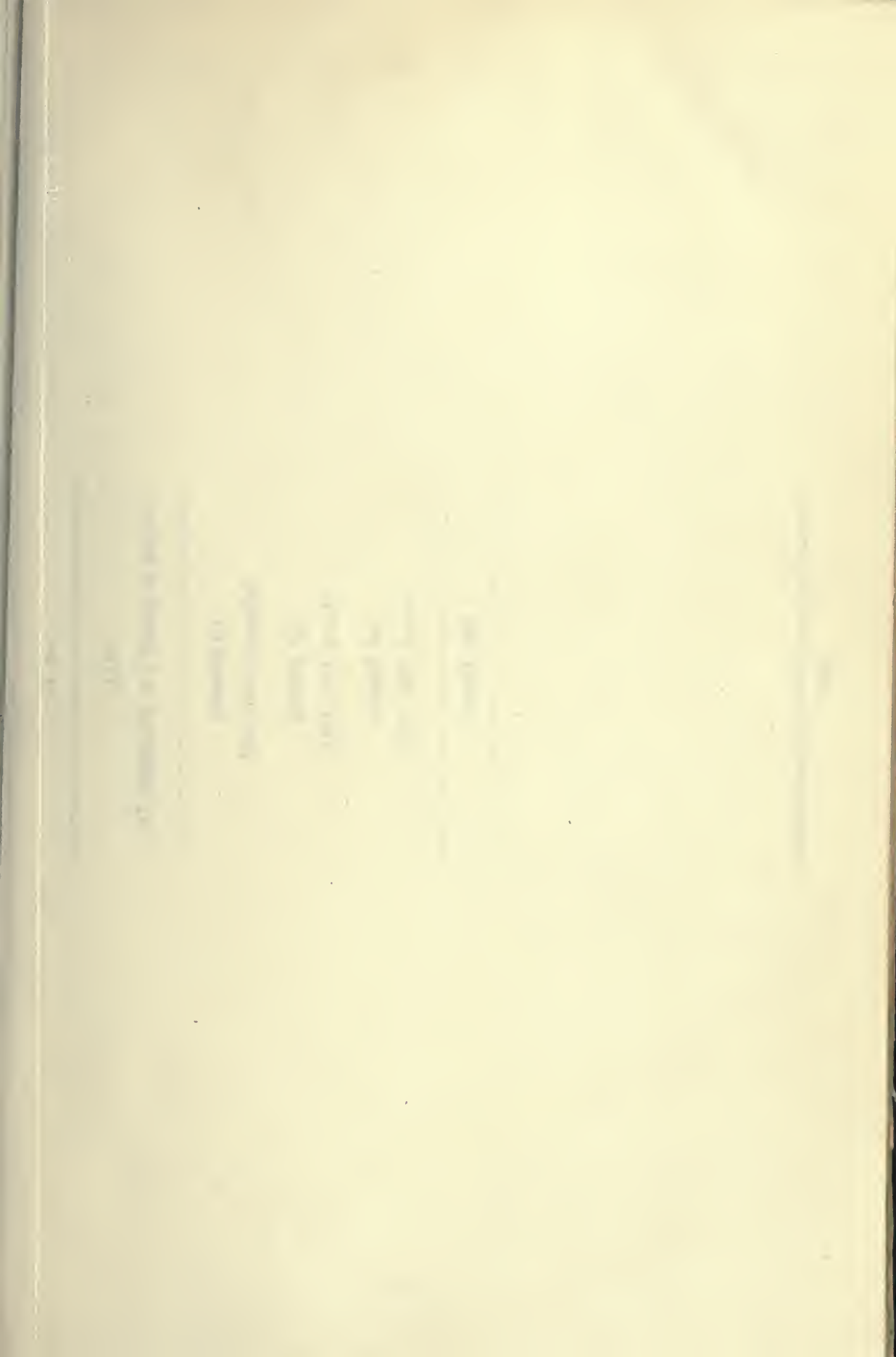
Idem

(3) Sections 3, 4 and 44 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

55. This Act may be cited as *The Municipal Amendment Act, 1955*.





BILL

An Act to amend The Municipal Act

1st Reading

February 28th, 1955

2nd Reading

March 25th, 1955

3rd Reading

March 30th, 1955

MR. PORTER

